

REGULAR MEETING & BUDGET PUBLIC HEARING
APALACHICOLA CITY COMMISSION
TUESDAY, JANUARY 3, 2023 – 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. Presentations:

1. **Southern Group – Kate DeLoach**
2. **Parks and Recreation Committee – Donna Ingle**

IV. Public Comment

V. New Business

1. **DEO CPTA Grant - Bid Award**
2. **Stormwater Avenues Bid Award**
3. **Elevated Water Tank Award**
4. **July 3rd Event Discussion**
5. **Ghost Walk Event Permit Application - Royce Rolstad**
6. **James Frost Land Offer**
7. **Workforce Housing Proposal**
8. **Arbor Day Proclamation**

VI. Unfinished Business

1. **Tree Committee New Member**
2. **Request approval for Settlement Agreement in Case#2018CA233**

VII. Mayor and Commissioner Comments

VIII. City Manager Communications

IX. Grants Coordinator Communications – Report Attached

X. Finance Director Communications

XI. Attorney Communications – Report Attached

XII. Consent Agenda

A. Meeting Minutes Adoption – December 6, 2022 Workshop 3:30pm and December 6, 2022 Regular Meeting Minutes.

B. Planning & Zoning Minutes – December 12, 2022 Workshop and Regular Meeting

XIII. Department Reports

XIV. 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

ADDENDUM TO AGENDA

AT 5:30 PM THE REGULAR MEETING WILL BE CLOSED AND BUDGET PUBLIC HEARING WILL BE OPENED FOLLOWED BY ADOPTION OF 2022-2023 MILLAGE RATE AND ADOPTION OF ORDINANCE 2022-02.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 2023**

SUBJECT: Apalachicola Parks and Recreation committee report

AGENDA INFORMATION:

Agenda Location: Presentation
Item Number: 2
Department: Parks & Recreation
Contact:
Presenter: Donna Ingle

BRIEF SUMMARY:

The Parks and Recreation committee, comprised of volunteers, meet monthly to evaluate and assess the needs of the city's parks. Our goal is to improve parks condition, appearance, usage, and convenience through public/private partnerships to enhance our community. The committee has:

- Made a definitive list of the parks/squares (21) in the city.
- Created and implemented the Adopt-a-park program
- Created and implemented a memorialization program
- Began detailing a plan for park improvements
- Created the City's memorialization program

After considering the needs of the park and the city's budget, an attempt to improve all 21 parks/squares simultaneously seems unrealistic. Therefore, the committee has identified three high usage/high visibility parks that have received and should continue to receive public/private resources:

- Lafayette Park, supported by the Historic Apalachicola Foundation
- The Dog Park, supported by the Salty Barker's Krewe and patrons of the park
- Riverfront Park, adopted by River's Edge Gallery

The committee further recommends three parks that need additional resources to begin to approach their full potential.

- Veteran's Park
- Scipio Creek Marina/Park
- Marks Park

The committee would like to concentrate on developing plans for these parks with input from the community by working with the commission's committee liaison, Despina George, who has been attending our meetings. The committee also wants to participate in the updating of the management plan, due in Spring 2024, of Chapman Botanic Garden/Veteran's Park.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

The committee requests the commission approve:

1. A focus of resources and energy in 2023 on supporting Lafayette Park, the Dog Park, and Riverfront Park and improving Veteran's Park, Scipio Creek Marina/Park and Marks Park.
2. The development of plans by the committee with community input and Commissioner George to accomplish Item #1.
3. The appointment of committee member Faye Gibson as the city's liaison with the State Department of Environmental Protection for the updating of the management plans for Veteran's Park/Chapman Botanic Garden.

FUNDING SOURCE: To be determined

ATTACHMENTS: List of the city parks

STAFF'S COMMENTS AND RECOMMENDATIONS:

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 3rd, 2023**

SUBJECT: Bid Award Recommendation – Community Planning Technical Assistance & Grant Administration for the DEO CPTA Grant – OVID Solutions + Bay Media Services

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 1
Department: Grants/Finance
Presenter: Travis Wade/Bree Robinson

BRIEF SUMMARY:

COA advertised and published a RFP for Community Planning Technical Assistance & Grant Administration November 24th – December 16th. Scope of the CPTA Grant includes Comp Plan review and updated amendments along with an update to the city's Areas of Critical State Concern (ACSC) Work Plan. OVID Solutions with Bay Media Services as a subcontractor responded and are the recommended award from staff.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Motion to award OVID Solutions with Bay Media Services a contract for DEO Community Planning Technical Assistance & Grant Administration.

FUNDING SOURCE: DEO CPTA - \$75,000

ATTACHMENTS: N/A – grant agreement and bid documents are available upon request at City Hall.

STAFF'S COMMENTS AND RECOMMENDATIONS: Approve the bid award to OVID Solutions and Bay Media Services.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: 01/03/2023**

SUBJECT: RFQ 2022-02 Request for Qualifications for Engineering Services

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 2
Department: Grants
Presenter: Gouras & Associates, LLC

BRIEF SUMMARY:

The Board has previously authorized contract negotiations with Halff, CDG, and Dewberry Engineering for professional services solicited under RFQ 2022-02, which procured engineering services for CDBG-DR funded projects, as well as other federally or state funded projects that the City may implement. The City has entered into Contract Negotiations with Halff, CDG, and Dewberry and received authority to enter into contracts with those firms upon successful negotiation. Upon successful contract negotiation, the City expects to issue the project-specific task order identified below. This project assignment is based on the City's review of proposals submitted, in consideration of each firm's proposal, and is contingent upon successful contract negotiation and funding agency review.

Avenues Stormwater Repair Project (CDBG-DR / DEO) – Dewberry Engineers, Inc.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

- Motion to authorize City staff to award task order for professional services solicited under RFQ 2022-02 (Avenues Stormwater Repair Project – Dewberry Engineers, Inc.), contingent upon successful contract negotiation and funding agency review.

FUNDING SOURCE: CDBG-DR

ATTACHMENTS: None – Contracts are in negotiation

STAFF'S COMMENTS AND RECOMMENDATIONS: Motion to authorize execution of a task orders for projects listed, contingent upon successful contract negotiation and funding agency review.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 3, 2023**

SUBJECT: RFP – City of Apalachicola Elevated Tank Coating

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 3
Department: Water
Presenter: Mark Gerspacher

BRIEF SUMMARY: The City published an RFP for the required repairs/maintenance of the elevated tank on November 17, 2022. Responses were received on December 15, 2022. Staff has reviewed the proposals and determined that Five -12 Painting and Remodeling was the best proposal. The total cost of the proposal is \$224,293. All of the proposals are available for review at city hall.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To award the contract to Five-12 Painting and Remodeling to perform the coating of the City of Apalachicola Water Tower.

FUNDING SOURCE: Water Budget

ATTACHMENTS: None

STAFF'S COMMENTS AND RECOMMENDATIONS:

Approval

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 3, 2023**

SUBJECT: 3rd of July Celebration

AGENDA INFORMATION:

Agenda Location:	New Business
Item Number:	4
Department:	Administration
Contact:	Travis Wade
Presenter:	Mayor Ash/Travis Wade

BRIEF SUMMARY: Main Street can no longer facilitate annual the 3rd of July Celebration (3OJ). Beginning July 2023, the City of Apalachicola will oversee event.

- Upon approval by the Board, the transition will begin in January
- If approved, City staff Sheneidra Cummings and Finance Director Mark Gerspacher in conjunction with Commissioner Elliott, if she agrees, will oversee the transition.
- A Main Street representative has offered to meet with the City's Team and provide all vendor contacts and information, along with any other pertinent information.
- Event expenses will be covered from the sponsorships.
- The proceeds from the event will be used to assist with city programs, including but not limited to the Margaret Key Library and Apalachicola Police Department.

The 3OJ team will coordinate with businesses, nonprofits, and individual volunteers to implement and execute the plan. A special account will be setup for this purpose. Any upfront cost will be offset from the sponsorship proceeds. If the plan is executed properly, there will be a smooth transition.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approval – City to oversee the 3rd of July Celebration

FUNDING SOURCE: Event sponsorships

ATTACHMENTS:

STAFF'S COMMENTS AND RECOMMENDATIONS:

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 3, 2023**

SUBJECT: Ghost Walk Event Permit Application

AGENDA INFORMATION:

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

BRIEF SUMMARY: Royce Rolstad applied for an event permit for a ghost tour through Chestnut Cemetery on January 13 and 14, and February 24 and 25, 2023, from 6:30pm until 9:30pm. An admission fee of \$10 per person is being charged by Mr. Rolstad. This event is not being hosted by a non-profit and appears to benefit Mr. Rolstad solely. The City has budgeted fees for the use of City parks, but there are no fees budgeted for the use of a cemetery. The Apalachicola Area Historical Society (AAHS) has a ghost walk through Chestnut Cemetery annually, but the proceeds are used to benefit cemetery preservation.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

FUNDING SOURCE:

ATTACHMENTS: Event Permit Application

STAFF'S COMMENTS AND RECOMMENDATIONS:

City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Special Event Application

APPLICANT

Name of Applicant: Royce Rolstad

Title (if applicable): _____

Name of Organization: Apalach Ghost Tour

Is your organization a non-profit: Yes No If yes, please attach documentation.

Is your organization tax exempt: Yes No If yes, please attach documentation.

Mailing Address: 119 Hicks Lane

Street Address

Apalachicola
City

FL
State

32320
Zip Code

Phone: 850-653-5586
Daytime Phone

Same
Cell Phone

Email: roycerolstad@mac.com

EVENT

Name of Event: Ghost Stories ; Poe

Description of Event (include purpose):

Ghost tour through Chestnut Cemetery
featuring local ghost stories and select
works by Edgar Allan Poe.

Location of Event: Chestnut St. Cemetery

Event/Organization Web Address: _____

Event Date(s) & Time(s):

Date	Day of the Week	Start Time	End Time
<u>Jan. 13, 2023</u>	<u>Fri.</u>	<u>6:30 p.m.</u>	<u>9:30 p.m.</u>
<u>Jan. 14, 2023</u>	<u>Sat.</u>	<u>6:30 p.m.</u>	<u>9:30 p.m.</u>
_____	_____	_____	_____
<u>Feb. 24, 2023</u>	<u>Fri.</u>	<u>6:30 p.m.</u>	<u>9:30 p.m.</u>
<u>Feb. 25, 2023</u>	<u>Sat.</u>	<u>6:30 p.m.</u>	<u>9:30 v.m.</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Setup Date(s): N/A

Setup Time(s): _____ to _____

Cleanup Date(s): N/A
Cleanup Time(s) _____ to _____

Will this be an annual Event: Yes No If yes, next years date(s)

EVENT LOGISTICS

1. Estimated Attendance (Includes event crew, participant, and spectators):

150 per weekend N/A
This Year Last Year

Maximum number at peak time: 35

2. Will Alcohol be served or sold: Served Sold No Alcohol

3. Approximate number of food vendors: _____

*Event promoter is responsible for obtaining copies of all licenses and insurance from each vendor and provided the same to the City. All vendors must be listed on the site plan.

4. Approximate number of all other vendors along with type i.e. crafts, sponsors, informational

*May need to provide copy of certificate of insurance in a form acceptable to the City for each vendor:

5. Will electricity be required?: Yes No Source _____

Location of electricity _____

6. List event equipment (Include things such as seating, tents, booths, and trucks. These should all be listed on site map (if required) as well.

_____ None _____

7. List entertainment type (bands, DJ, dancers, clowns, etc.): None

8. List dates and times of music and/or amplified sound: None

9. Will private security be provided: Yes No

If yes, list organization: _____

10. Will portable restrooms be used? Yes No

If yes, answer the following and list on site plan:

How many: _____ Installation Date: _____ Removal Date: _____

11. Event holders are responsible for trash removal, and must provide their own cans and dumpsters.

Please list your plan. No food or beverages will be served. However, we will do a walk through and remove any trash after the event.

Please include on site plan and answer the following:

How many: _____ Sizes: _____

Installation Date: _____ Removal Date: _____

12. Please list any admission charges, donations, parking, registration or other fee and how much.

Admission - \$10 per person

13. Does the event require street closures? Yes No

If yes, complete the following:

Dates(s) of street closure: Begin _____ End _____

Time of street closure: Begin _____ End _____

List street(s) to be closed: _____

*A letter must be delivered to all residents that will be directly impacted by a road closure. Attach letter along with addresses to this application.

14. Will there be a parade: Yes No

If yes complete the following:

Street(s) that will be utilized for parade route: _____

Time assembly to begin: _____

Time parade starts: _____

Total number of people in the parade: _____

Number of vehicles in the parade: _____

Number of animals in parade: _____

Number of floats: _____

Number of bands: _____

*Attach parade route map to application.





15. Will there be a running/walking/biking/ water event?

Yes

No

If yes, answer the following:

Time assembly to begin: _____

Time event starts: _____

Estimated ending time: _____

Event will be conducted on:

Streets

Sidewalks

Water

*Attach route map to application

16. Will a city dock be used for the event?

Yes

No

If yes, hours of use: _____

Location of Dock: _____

List of vendor s who will use the dock: _____

*Any dock used for the event will need to remain open to the public during the event:

17. Please check the additional facilities you plan on using:

Pavillion(s)

Gazebo

Restrooms

Parking lot(s)

SITE PLAN CHECKLIST

The following items should be on your site plan if applicable.

- Food Vendors
- Additional vendors/sponsors
- Electrical locations
- Event equipment
- Portable restrooms
- Dumpsters
- Street Closures
- Parade route
- Beer trucks
- Alcohol area
- Fencing/Barricades
- Bounce houses
- Tents
- First Aid
- Command Center

·Carnival

· Any additional elements that will be on site for your event

X *Royce Ralston*

11/17/2022

APPLICANT SIGNATURE

DATE

X

APPROVED BY

TITLE

DATE

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 3, 2023**

SUBJECT: James Frost Land Offer

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 6
Department: Administration
Contact: Travis Wade
Presenter: Travis Wade

BRIEF SUMMARY: James Frost and his family own approximately one (1) acre parcel of land (217 Cottage Hill) contiguous to the approximately .10 acre parcel of land identified in the attached map. Mr. Frost proposes to purchase the parcel from the City for \$1,250.00. The parcel is not a buildable lot and is only contiguous to one other property

RECOMMENDED MOTION AND REQUESTED ACTIONS: Recommend Approval

FUNDING SOURCE:

ATTACHMENTS: Land Offer, Map

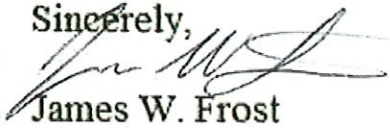
STAFF'S COMMENTS AND RECOMMENDATIONS:

To The City of Apalachicola, I would like to make a formal bid on Parcel ID:
01-09S-08W-8340-00DI-0010. (Cottage Hill Bld-1 Lot-1 or 94/484)

The parcel is too small to be independently buildable, and can only be utilized by the adjacent property, for which I own. The Just (Market) value of the property has remained the same for several years. This number is \$995.

I would like to offer \$1250.00, in a single payment, payable upon agreement with the City. I look forward to your reply. Thank you.

Sincerely,



James W. Frost

12/9/22

12/9/22

OFFER TO PURCHASE REAL ESTATE

Address of Property: PARCEL ID: 01-095-08W-8340-00D1-0010

Brief Description: COTTAGE HILL BLD-1 LOT 1 94/484

Name of Seller(s): CITY OF APALACHICOLA

Phone: _____ Email: _____

Name of Potential Buyer(s): JAMES W. FROST

Address: 217 COTTAGE HILL APALACHICOLA

Phone: 850 544-7703 Email: djasky@yahoo.com

The Potential Buyer(s) offer to purchase from the Seller(s) the real estate Property identified above. The Potential Buyer(s) propose the following terms:

Offered Purchase Price:	\$ <u>1250.00</u>
Down Payment / Earnest Money Deposit:	\$ <u>1250.00</u>
Balance Due at Closing:	\$ <u>-</u>
Proposed Closing Date:	<u>ASAP</u>

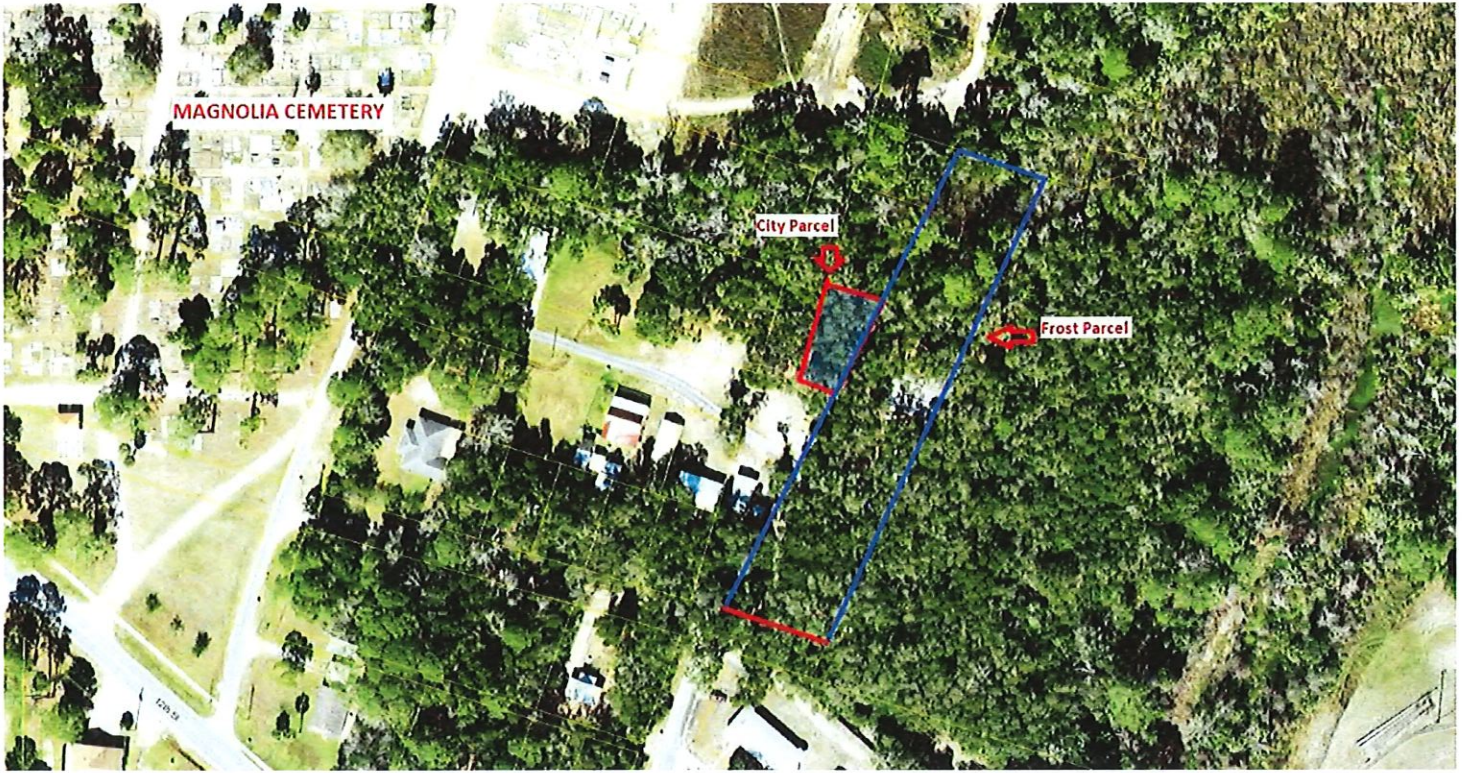
Personal Property Items / Fixtures to be included in the sale of this Property:

Which party is to pay for a Property Inspection? Buyer Seller No Inspection

Which party is pay for a Roof Inspection? Buyer Seller No Inspection

Which party is to pay for a Termite Inspection? Buyer Seller No Inspection

Additional Terms to be included in the sale / purchase of this Property:



**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 3, 2023**

SUBJECT: Workforce Housing Proposal 25th Avenue

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 7
Department: Administration
Contact: Travis Wade
Presenter: Travis Wade/Bree Robinson

BRIEF SUMMARY: The City owns several unimproved parcels on 24th and 25th Avenues. I am proposing that the City clear four (4) lots on parcel number 01-09S-08W-8330-0221-0070 (identified in the attached map) to be rented for mobile home lots. Ideally the lots would be rented to employees of the City, County, School Board, and hospitality industry (with priority given to City employees and/or new hires). Lease agreements would need to be drafted with the assistance of the City Attorney to insure proper management of the properties, and to protect adjacent property owners. Rentals would need approval from P&Z to place mobile homes. The parcel would need Commission approval to be split into individual buildable lots. Improvements can be performed by City staff with the use of the new skid steer that was purchased for the spray fields.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Motion to allow City Manager to split lot 01-09S-08W-8330-0221-0070 into four (4) buildable lots.
Motion to allow City Manager to begin improvements and drafting lease agreements with City Attorney Hartman

FUNDING SOURCE: Water taps – Water Department, Sewer taps – WW Department, Electrical – will discuss possible grant/assistance with Duke Energy,

ATTACHMENTS: Map of parcel

STAFF'S COMMENTS AND RECOMMENDATIONS:

City of Apalachicola Workforce Housing



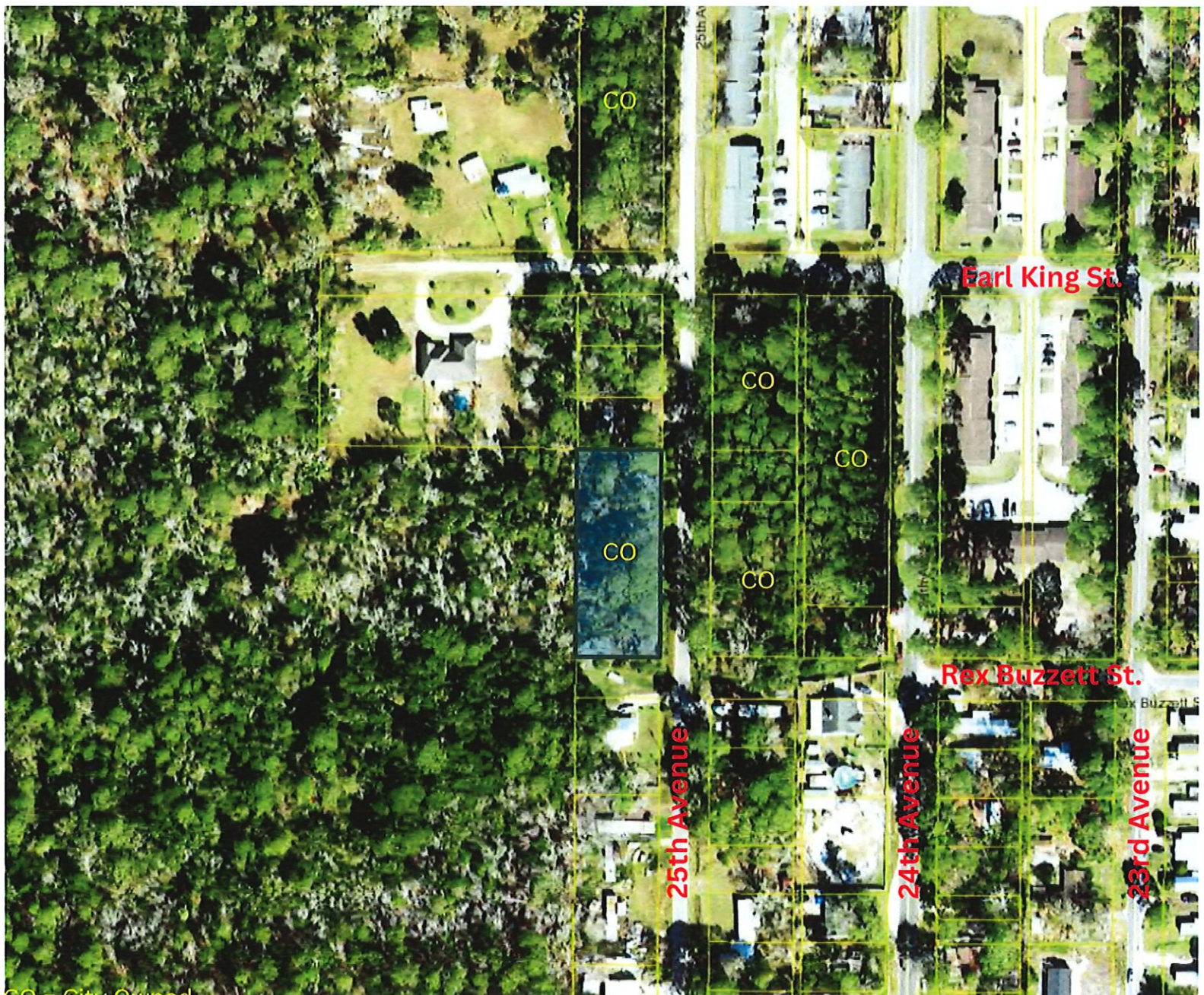
Zone: R-3

Parcel ID: 01-09S-08W-8330-0221-0070

Legal Description: Block 221 Lots 7 - 14

Acreage: .56 acres, 24,500sqft (estimated)

Lot Dimensions: 100' x 245' (estimated)



Applicable zoning: R-3

This property could be split into 4 buildable (60'x100') lots. This would allow for 4 mobile homes to be placed and occupied. Each mobile home would need to go before P&Z to verify setbacks of placement, etc.

4 lots = 61.25' x 100' each



**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 3, 2023**

SUBJECT: Arbor Day Proclamation

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 8
Department: Tree Committee
Contact: Dennis Winterringer, Chairperson, Tree Committee
(dwinterringer@mediacombb.net, telephone: 850-370-5086)
Presenter: City Manager

BRIEF SUMMARY: The City of Apalachicola is one of many Florida communities certified by the national Arbor Day Foundation as a Tree City. At the Scipio Creek Marina farmers market on Saturday, January 14, 2023, from 9 a.m. to noon, the Tree Committee (Sam Berkheiser, Scott Davis, Pam Richardson, and Dennis Winterringer) will hold the City's annual Arbor Day event. While the supply lasts, 71 free trees (pond cypresses, sand live oaks, myrtle oaks, sweetbay magnolias, and longleaf pines) provided by the Florida Forest Service will be handed out to City residents (one tree per residence). In addition to Tree Committee members, two Florida Forest Service foresters and the University of Florida Extension Service county agent will be on hand to answer questions about tree planting and care.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Read the Arbor Day proclamation into the record and sign it.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Arbor Day proclamation

STAFF'S COMMENTS AND RECOMMENDATIONS: No comments or recommendation needed.

PROCLAMATION



Arbor Day

Whereas, the Arbor Day Foundation has certified the City of Apalachicola as a Tree City, and

Whereas the City Commission has appointed a Tree Committee that will observe Arbor Day at the Scipio Creek Marina farmers market on January 14, 2023, by handing out free trees provided by the Florida Forest Service,

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community,

Whereas, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife,

Whereas, trees are a renewable resource giving us paper, wood for our homes, and countless other wood products, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, therefore, I, Brenda Ash, Mayor of the City of Apalachicola, do hereby proclaim January 14, 2023, as Arbor Day in the City of Apalachicola, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to promote the well-being of this and future generations.

Signed:

Brenda Ash

January 3, 2023

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

SUBJECT: Tree Committee Appointment

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 1
Department: Administration
Presenter: Travis Wade, City Manager

BRIEF SUMMARY: The Tree Committee would like to fill one vacant member positions to the board.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To appoint one vacant Tree Committee members to the current board.

FUNDING SOURCE: None.

ATTACHMENTS: Candidate Questionnaire

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends Rebecca Stafford

BOARD/COMMITTEE CANDIDATE QUESTIONNAIRE

REQUESTED BOARD/COMMITTEE APPOINTMENT TREE BOARD

APPLICATION DATE DEC, 2022

DATE APPOINTED _____

NAME: REBECCA STAFFORD

MAILING ADDRESS: 111 AVE E, APALACHICOLA

PHYSICAL ADDRESS: SAME

CELL#: 615/238-4447 HOME#: SAME

EMAIL: RSTAFFORD333@GMAIL.COM
(BEST TO TEXT)

PLACE OF EMPLOYMENT: SELF

WORK#: SAME
LANDSCAPE DESIGN

1. HOW LONG HAVE YOU BEEN A RESIDENT OF THE CITY OF APALACHICOLA?

APPX. ONE YEAR

2. WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD/COMMITTEE?

I BELIEVE THAT MY PAST EXPERIENCE AND EDUCATION WILL CONTRIBUTE TO THE BEAUTY & APPEAL OF THE CITY.

3. WHAT DO YOU FEEL YOU CAN CONTRIBUTE BY SERVING ON BOARD/COMMITTEE?

TREE KNOWLEDGE (ISA CERTIFIED ARBORIST FOR 15+ YEARS, RE-CERTIFY 'IN '23), HORTICULTURE DEGREE, 25+ YEARS IN THE HORTICULTURE INDUSTRY. PAST OWNER/GROWER OF GARDEN CENTER, TN.

4. DO YOU HAVE ANY EXPERIENCE BY PREVIOUSLY SERVING ON ANY CITY, COUNTY, OR OTHER GOVERNMENTAL BOARDS? IF SO, WHICH BOARDS AND HOW LONG?

SEVIERVILLE, TENNESSEE TREE BOARD - 3 YEARS (A TREE CITY, USA - SERVED AS THE ISA MEMBER)

15+ YEARS OF LANDSCAPE INSTALLATION/
SUPERVISION OF LANDSCAPE AWARDS*

11. IF APPOINTED, YOU WILL BE REQUIRED BY LAW TO FOLLOW THE SUNSHINE
LAW. HAVE YOU READ AND/OR FAMILIAR WITH THE SUNSHINE LAW?

YES

Rebecca Stafford
SIGNATURE

REBECCA STAFFORD
PRINTED NAME

* LANDSCAPE DESIGN/INSTALL AWARD
Brentwood, TN.
SUISERVILLE, TN.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
January 3, 2023**

SUBJECT: Request for Approval of Settlement Agreements in Case(s) No.: 2018 CA 233

AGENDA INFORMATION:

Agenda Location: UNFINISHED BUSINESS
Item Number: 2
Department: City Attorney
Contact: Dan Hartman
Presenter: Dan Hartman

BRIEF SUMMARY:

We have reached conceptual Settlement in the above case. The proposed settlement agreement is attached along with the Flood Plain Mgmt Permit application called for in the Agreement. At the September 2022 City Commission meeting the Commission requested additional information for review prior to a vote on whether to accept the Settlement Agreement. The additional information provided includes all engineering studies performed and Flood Plain Mgmt Permit application reflecting the improvements to be constructed.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Motion to approve Settlement Agreement in Case(s) No.: 2018 CA 233

FUNDING SOURCE:

N/A

ATTACHMENTS: (see attached)

STAFF'S COMMENTS AND RECOMMENDATIONS:

Approve

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR FRANKLIN COUNTY, FLORIDA**

CITY OF APALACHICOLA,

Plaintiff,

vs.

Consolidated Case No. 2018-CA-000233

MICHAEL HALE SMITH, et al.,

Defendants.

_____/

RICHARD HALL,

Plaintiff,

vs.

CITY OF APALACHICOLA, et al.

Defendants.

_____/

MEDIATION AGREEMENT

The parties to the above referenced cause submitted their issues to mediation and agree as follows:

1. Defendants Smith and Nall shall apply for an after-the-fact, single family residence, flood plain management permit from the City of Apalachicola (“the City”), which application shall include all fill material placed on the property. The parties acknowledge that the application will be conceptually based upon “Recommendation #1” of the Kimley-Horn and Associates, Inc.’s consulting memorandum dated January 24, 2022, minus the gutters which were referenced in the “Preferred Design Alternative” portion of the memorandum. The parties further acknowledge that the permit application, which is the operative document, will require more detail than the

conceptual recommendation made in the Kimley-Horn memorandum. The permit application will be required to fully comply with all applicable application requirements set forth in City Ordinance 2013-02.

2. The application will be prepared and submitted to the City by August 22, 2022. Accompanying the application will be a statement from Kimley-Horn, obtained at the cost of Defendants Smith and Nall, to the effect that the terms of the application meet the storm water discharge requirements of City Ordinance 2013-02. If the cost to obtain the required statement from Kimley-Horn exceeds \$1,000.00, then Defendants Smith and Nall will split the additional costs evenly with Hall up to an additional \$5,000.00. If the total cost of obtaining the required statement exceeds \$6,000.00 and the parties cannot reach a cost-sharing agreement, Defendants Smith and Nall have the right to withdraw the application and this Agreement is of no further force or effect.

3. Upon receipt of the application, the City will forward a copy of the application to counsel for Plaintiff Hall. Hall may review the application and provide the City with any comments he wishes to make, and the City will receive and consider any such comments in good faith as part of the application review process. Nonetheless, the parties acknowledge that the City is the sole authority that will determine whether, and on what conditions, to grant or deny the application. If Smith and Nall do not agree to the permit conditions proposed by the City they may withdraw the application and this Agreement shall be of no further force or effect.

4. City staff will recommend approval of this Agreement and the matter shall be scheduled for consideration by the Commission at its next regular meeting on September 6, 2022. This Agreement shall not be deemed final as to any party unless and until Commission approval is granted.

5. Assuming approval of this Agreement by the Commission and issuance of the flood plain management permit by the City, construction shall begin no later than 90 days following permit issuance and be completed no later than 45 days thereafter.

6. Prior to the pre-trial conference scheduled for August 10, 2022, the parties will jointly request a continuance of all proceedings in this matter pending the performance of the terms of this Agreement. Within ten (10) days following issuance by the City of an as-built certificate of completion, the parties shall dismiss their respective lawsuits with prejudice and execute a mutual release of all claims.

7. The parties shall equally divide the mediator's fees (1/3 of the total fee to be paid by each of the 3 parties).

8. The parties shall be responsible for their own costs and attorney's fees.

9. The parties fully understand the terms of this Agreement, and they are freely and voluntarily entering into it with the full participation of their counsel.

DATED this 3rd day of August, 2022.

CITY OF APALACHICOLA, Plaintiff

By: Travis Wade

DocuSigned by:

Travis Wade

3D39E04187041 City Manager

DocuSigned by:

Daniel Hartman

0370A211E7 HARTMAN, Esquire
Attorney for City of Apalachicola

DocuSigned by:

Richard Hall

EB77C1D1A4E RICHARD HALL, Plaintiff

DocuSigned by:

Erin J. Tilton

97D114738CF403 TILTON, Esquire
Attorney for Richard Hall

DocuSigned by:

Michael Hale Smith

524873317102A113 MICHAEL HALE SMITH,
Defendant

DocuSigned by:

Michael S. Burke

524873317102A113 MICHAEL S. BURKE, Esquire
Attorney for Michael Smith

CITY OF APALACHICOLA
FLOODPLAIN MANAGEMENT
Permit Application

DATE: 12/21/2022

APPLICANT NAME: Michael Hale Smith, Lynn J. Smith and James W. Nall, III

ADDRESS: 39 7th Street, Apalachicola, FL 32320
(CITY, STATE & ZIP CODE)

PHONE: (334) 509-9015 (Hale Smith)

EMAIL: hale@tuttlund.com

ADDRESS OF JOB: 39 7th Street, Apalachicola, FL

PARCEL I.D. 01-09S-08W-8330-0025-0060

DESCRIPTION OF DEVELOPMENT (MUST INCLUDE SITE PLAN)

Construction of a floodplain storage area within the ROW of Avenue C (referred to as Columbus Street in attached Kimley Horn report dated January 24, 2022, and depicted on page 7, Sheet 4, in blue) to include grading of a 25' x 100' area, down 1.0' and lowering of existing grate inlet rim by 1.0' to 5.3'NAVD as recommended on page 2 of the attached Kimley Horn report dated January 24, 2022.

RESIDENTIAL: X COMMERCIAL: NEW STRUCTURE:

SUBSTANTIAL IMPROVEMENT:

FLOOD ZONE INFORMATION:

PANEL NO: 120089 FIRM ZONE: "AE" BFE: 12'

GRADE ELEVATION: 7'

ELEVATION OF LOWEST HORIZONTAL SUPPORTING MEMBER OF STRUCTURE: N/A

AND/OR TOP OF THE BOTTOM FLOOR: N/A (PER PLANS)

SQUARE FEET OF ENCLOSURE BELOW BFE: N/A (PER PLANS)

*NOTE: IF ADDITIONAL INFORMATION REQUESTED, APPLICANT HAS 30 DAYS FROM DATE OF REQUEST TO REPLY OR A NEW FILL PERMIT APPLICATION & FEES WILL APPLY.

FLOOD ZONE DISCLOSURE NOTICE

I/We Hale Smith, Lynn Smith and Wally Nall, have been made aware by the City of Apalachicola Building Department that my/our property is located in a 100 year flood zone based on FEMA Maps dated February 5, 2014. My/our property may be affected by the changes to the FIRM Maps, which took effect in 2014. My/our property may be adversely affected by these changes and could result in higher Base Flood Elevation Requirements and/or higher insurance premiums.

STREET ADDRESS: 39 7th Street, Apalachicola, FL 32320

PARCEL I.D.: 01-09S-08W-8330-0025-0060

EFFECTIVE FLOOD ZONE: _____

PRELIMINARY FLOOD ZONE: _____

Attach information sheet for this parcel which indicates both the effective and preliminary flood zones for this parcel.

Owner Signature

Date

Materials used for enclosure below BFE:

Solid wall/Breakaway wall _____, Flow through Vents _____ (sf of vent openings _____),

Screen wire, Lattice or Louvers _____.

Type of foundation: _____

(Pile support, Concrete block stem wall, other)

**See City of Apalachicola Land Development Code Ordinance 2013-02 for complete regulations*

OWNER/APPLICANT STATEMENT

I hereby certify, affirm, and swear that I am the owner or the authorized agent for the owner of the property for which this permit is requested. The information provided herein is true and correct to the best of my knowledge. I release the City of Apalachicola from all responsibility for damages incurred as a result of the permitted activity.

Signature of Applicant

Date

Application meets all requirements for the flood zone designation _____

Floodplain Administrator

Date

(email to: towens@cityofapalachicola.com or drop off in City drop box)

CITY OF APALACHICOLA
FLOODPLAIN MANAGEMENT
Inspection Report

Foundation meets the requirement for the flood zone designation: _____

Under construction elevation certificate has been submitted and meets elevation standards for flood zone: _____

Enclosures below the BFE are designed/constructed as required by the flood plain management ordinance: _____

Final elevation certificate has been submitted and all aspects of the structure meet designated flood zone requirements: _____

All mechanical/AC equipment meet the required elevation for the designated BFE:

Final inspection on structure meets all requirements designated in the City of Apalachicola Floodplain Management ordinance 2013-02: _____

Floodplain Administrator

Date



MEMORANDUM

To: City of Apalachicola Staff

From: Matt Brosman, P.E., CFM
Kimley-Horn and Associates, Inc.

Date: January 24, 2022

Subject: 39 7th Street, Apalachicola, FL
Floodplain Improvements Feasibility

Kimley-Horn has been retained by the City of Apalachicola to evaluate the feasibility of the preferred design alternative proposed to improve floodplain conditions at 39 7th Street, Apalachicola ("subject property"). Kimley-Horn understands construction activities associated with the residential construction at 39 7th Street was not performed in accordance with an approved floodplain development permit or the City's flood damage prevention ordinance. The purpose of this memorandum is to evaluate the proposed preferred design alternative's feasibility. The following sections detail the evaluation methodology and summarizes conclusions and recommendations.

PRE-CONSTRUCTION CONDITIONS

39 7th Street is located at the eastern corner of 7th Street and Columbus Street (Avenue C) in the City of Apalachicola, Florida. Prior to construction, the site was vacant, with little to no impervious areas.

The City of Apalachicola is subject to periods of intense rainfall, causing ponding and sheet runoff in the low, poorly drained areas. The subject site is in a natural depressional area, which is subject to pond-like flooding in even small storm events. The localized depressional area generally cannot overtop into adjacent depressional areas downstream until stages in the basin rise above approximately 7.5' North American Vertical Datum (NAVD). The site and surrounding areas are located within a FEMA Special Flood Hazard Area (SFHA), with a Base Flood Elevation of 12.0' NAVD.

Based on existing survey of the subject property, there is an existing grate inlet in the right-of-way adjacent to the property with a grate elevation of 6.42' NAVD. There are three pipes connected to the grate inlet, with inverts between 2.12' and 3.77' NAVD.

CURRENT CONDITIONS

Following construction, the subject property now consists of a single-story residential structure on a pier foundation, a concrete pad beneath the structure, and gravel and oyster shell fill. The bottom floor of the house was constructed at 1 foot above the FEMA BFE for the site in accordance with local and federal floodplain management criteria.

Per calculations reviewed by Kimley-Horn, approximately **90 cubic yards** of unapproved building materials, including the concrete pad beneath the structure, gravel fill, oyster shell fill, and associated improvements, were placed within the FEMA floodplain. In addition, additional runoff in a 100-year 24-hour storm may be expected due to the construction of the concrete pad beneath the structure. A 100-year 24-hour storm event in Apalachicola generates approximately 13.9" of rainfall (NOAA Atlas 14). The concrete pad beneath the structure covers dimensions of approximately 32' by 45'. Assuming a runoff coefficient change from 0.30 in pre-development conditions and 0.90 in post-development conditions for this area, this results in approximately **37 cubic yards** of additional runoff in a 100-year 24-hour storm event. These factors result in a reduction of 127 cubic yards of floodplain storage volume.

Given the volume-sensitive behavior of depressional areas subject to ponding such as the one on the subject site, floodplain storage volume lost in depressional areas generally will result in increases in flood elevations in adjacent, hydraulically connected areas if not mitigated for. The existing depressional area, which includes 39 7th Street, 29 7th Street, and surrounding properties, has approximately **725 cubic yards** of existing floodplain storage available within the pre-construction conditions basin below its "tipping point" of 7.5' NAVD. Elevation-Area-Volume calculations for the basin are included as an attachment to this memorandum.

PREFERRED DESIGN ALTERNATIVE

A preferred design alternative has been presented, with the goal of mitigating flood conditions such that the depressional area performs as it did prior to construction at the subject site. The preferred design alternative is to remove as much construction material within the floodplain as is feasible or provide an equivalent amount of floodplain compensatory storage to offset the loss of floodplain storage. In addition, gutters with downspouts to direct stormwater away from neighboring properties, including 29 7th Street, are part of the preferred design alternative.

Kimley-Horn assumes compensatory storage will be the primary mode of replacing floodplain storage lost to construction materials, rather than removal of said construction materials. Compensatory storage will be provided in a proposed floodplain storage area to be constructed in the Columbus Street (Avenue C) right-of-way adjacent to the subject property. Additional floodplain compensatory storage is proposed in the alleyway behind the subject property and 29 7th Street. A schematic of the proposed preferred design alternative is provided as an attachment to this memorandum.

RECOMMENDATIONS

Based on a review of the existing site conditions, Kimley-Horn anticipates constructing a floodplain storage area within the right-of-way will need to be performed with careful consideration of the surrounding stormwater system and other utilities. Given the desired limits of right-of-way improvements, this presents two potential versions of the preferred design alternative.

One solution would be to grade the 25' x 100' area within the Columbus Street right-of-way down 1.0' feet and lower the existing grate inlet rim by 1.0' feet to 5.3' NAVD. This would leave approximately 1.0' of earthen fill cover over the top of the existing 24" reinforced concrete pipe running along the right-of-way. Kimley-Horn recommends the condition of the existing 24" pipe be examined prior to

construction and replaced if necessary. Existing grades within the 206' x 15' section of alley behind the subject property would also be proposed to be lowered by 1.0'. Assuming an average depth of 0.80' for the area within the Columbus Street right-of-way and an average depth of 0.70' within the alley right-of-way, this provides **approximately 150 cubic yards** of floodplain compensatory storage.

A second solution would be to grade the 25' x 100' area within the Columbus Street right-of-way down 3.0' feet and remove the existing grate inlet and the 24" reinforced concrete pipe adjacent to the subject property. Grading to a depth greater than 3.0' would require slopes steeper than 4:1. This option would entail constructing three mitered end section pipe treatments, to allow the existing storm network to maintain connectivity. As with the first solution, existing grades within the 206' x 15' section of alley behind the subject property would also be proposed to be lowered by 1.0'. Assuming an average depth of 1.5' within the Columbus Street right-of-way and an average depth of 0.70' within the alley right-of-way, this provides **approximately 220 cubic yards** of floodplain compensatory storage.

Given the assumptions within this memorandum, both potential solutions within the framework of the preferred design alternative are feasible, and provide more floodplain compensatory storage than is required to offset the unapproved construction materials and additional runoff due to concrete pad construction.

Attachments

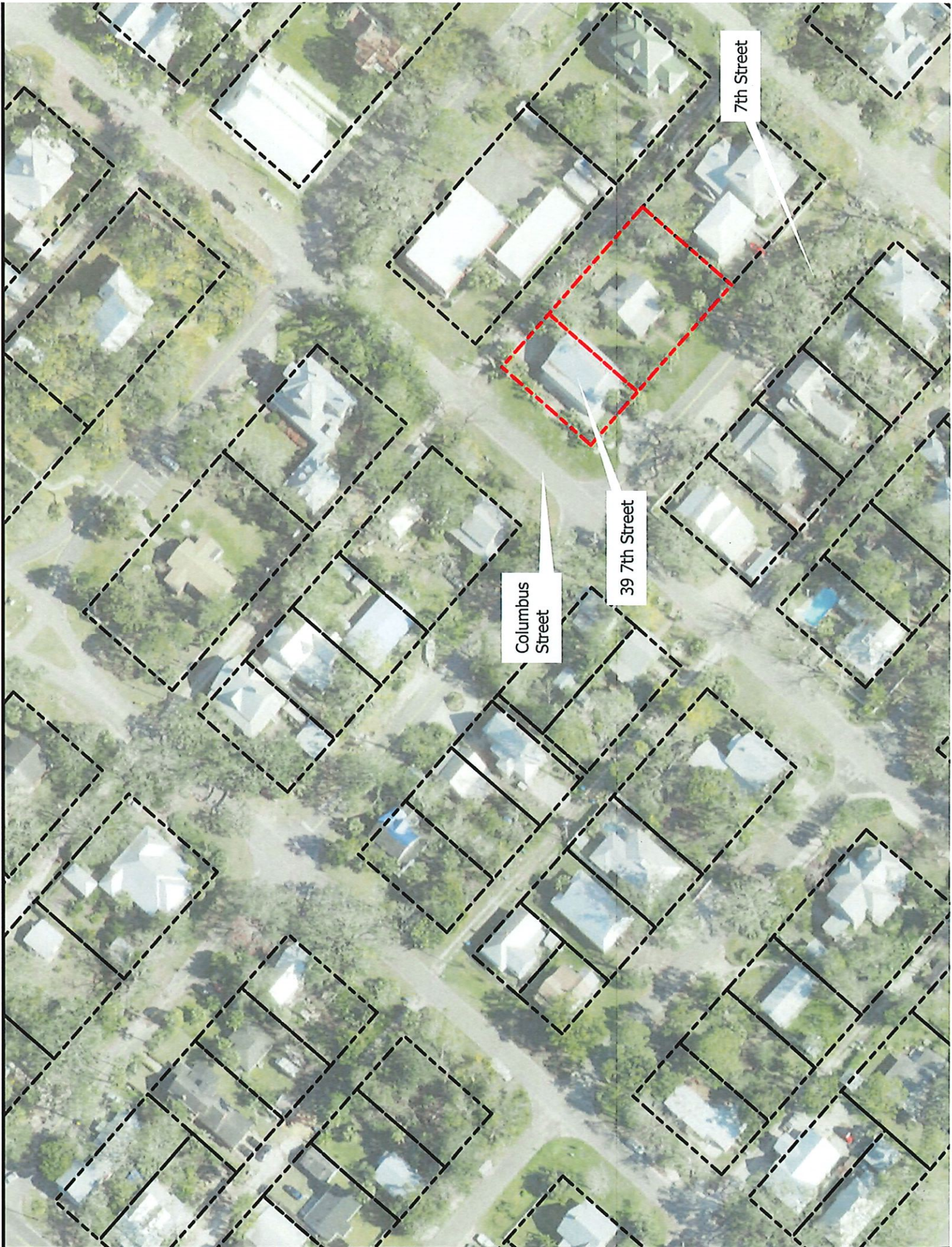
Location Map

Topographic Data Exhibit

FEMA Floodplain Exhibit

Proposed Schematic Exhibit

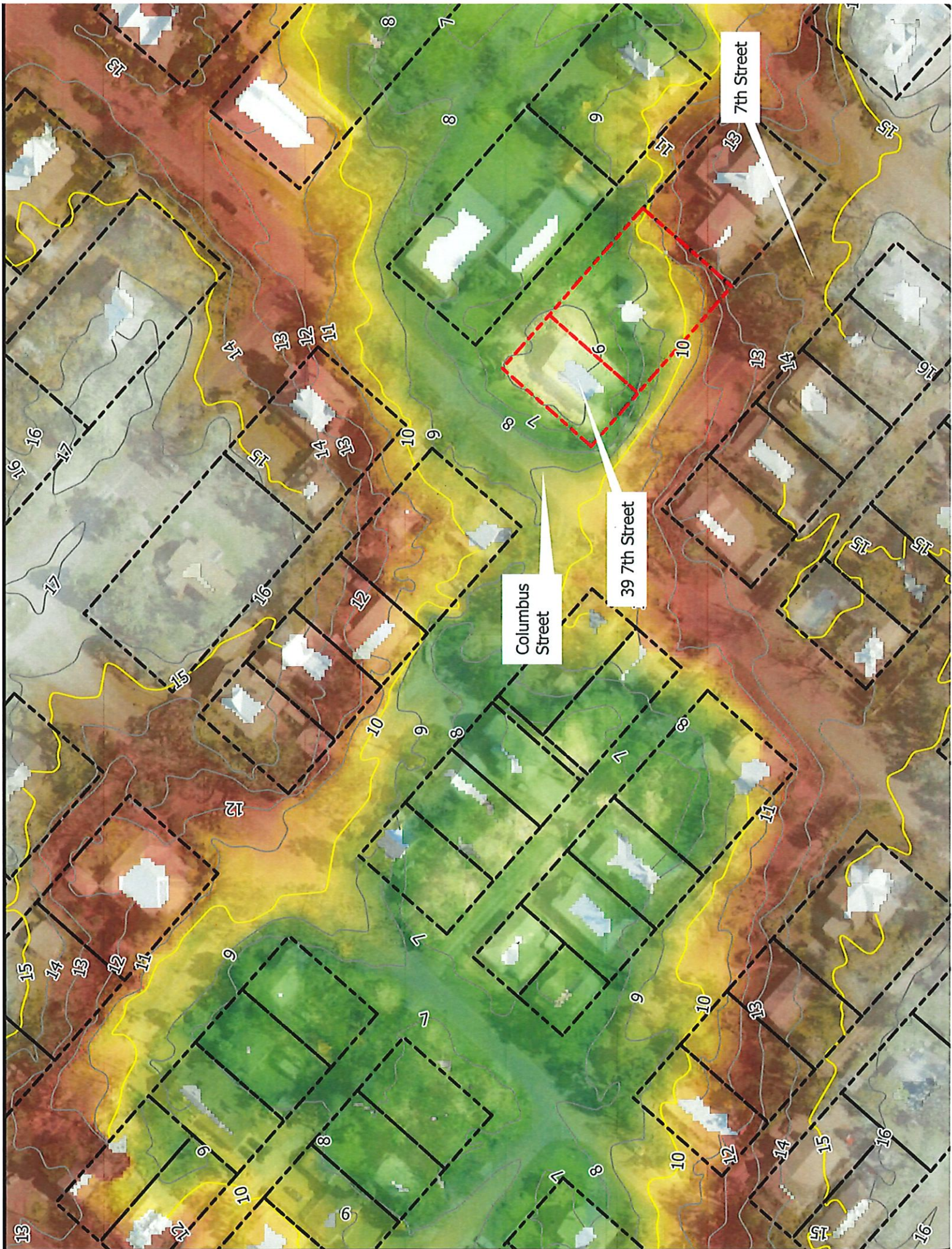
Elevation-Area-Volume Relationship for 39 7th Street Depressional Area Survey (prepared by others, for reference only)



7th Street

Columbus Street

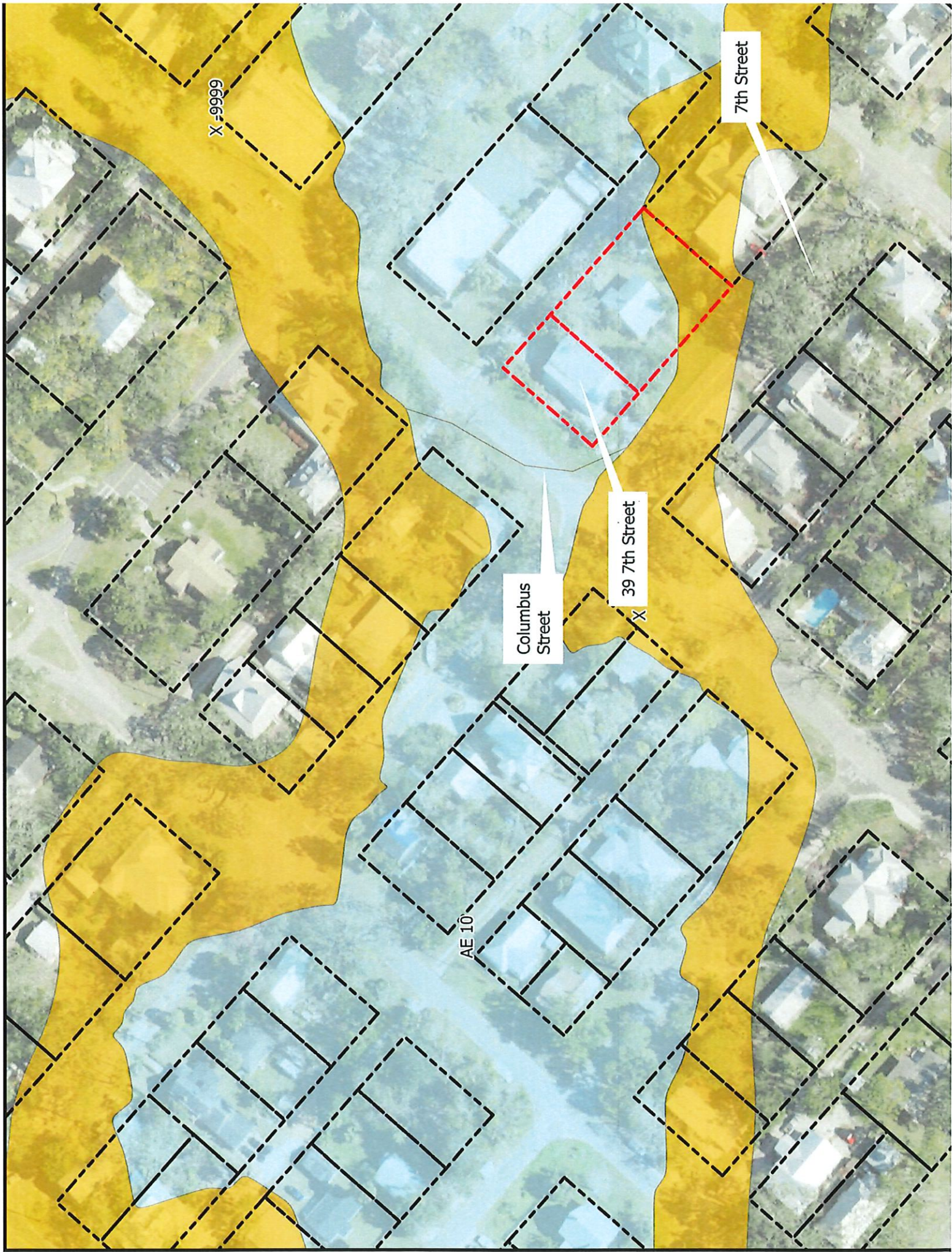
39 7th Street



7th Street

Columbus Street

39 7th Street



X -9999

7th Street

Columbus Street

39 7th Street

AE 10

X



Existing Inlet

Columbus Street

7th Street

100

25

15

**Elevation-Area-Volume Relationship
39 7th Street Depressional Area
Based on LiDAR Information**

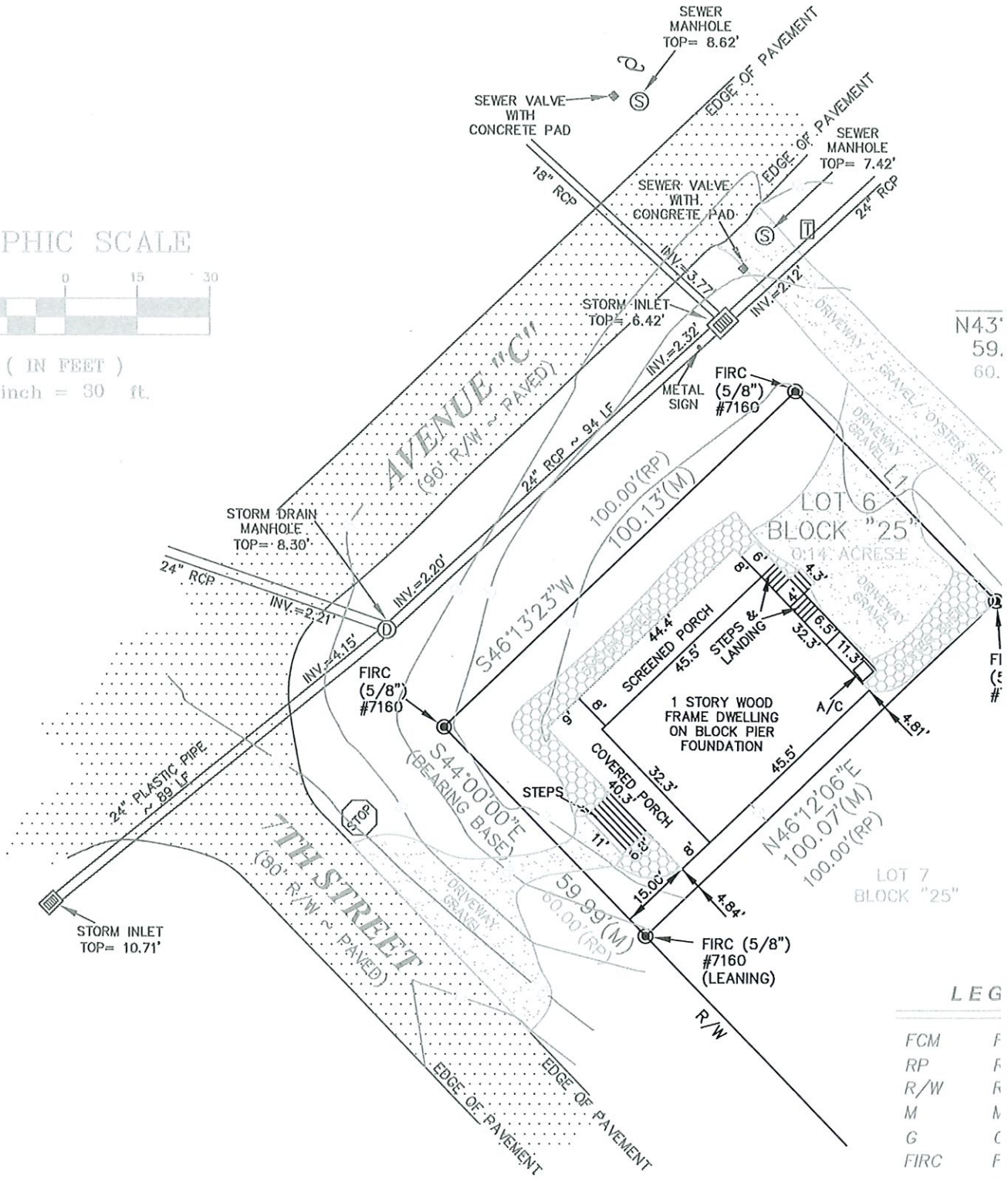
Elevation (ft)	Area (acres)	Volume (cubic yards)
5.3	0.00	0
5.4	0.01	1
5.5	0.02	3
5.6	0.03	7
5.7	0.06	15
5.8	0.08	26
5.9	0.10	40
6	0.11	57
6.1	0.13	77
6.2	0.15	99
6.3	0.17	125
6.4	0.19	154
6.5	0.21	186
6.6	0.24	223
6.7	0.27	264
6.8	0.29	309
6.9	0.31	357
7	0.34	410
7.1	0.36	466
7.2	0.38	526
7.3	0.40	589
7.4	0.43	656
7.5	0.45	727

For Reference Only

GRAPHIC SCALE

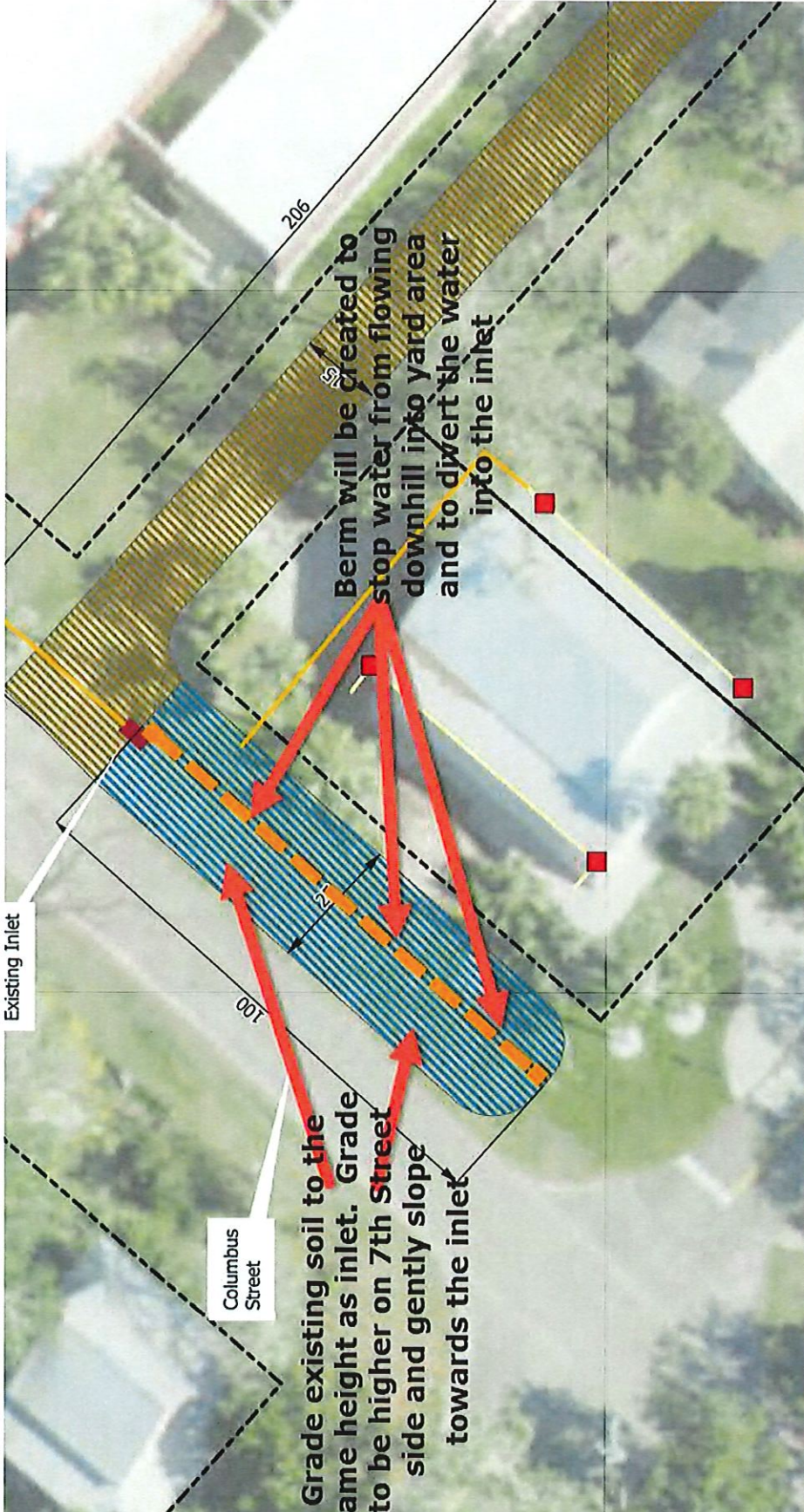


(IN FEET)
1 inch = 30 ft.



LEG

FCM	F
RP	F
R/W	R
M	M
G	C
FIRC	F
INV	IN



Berm will be created to stop water from flowing downhill into yard area and to divert the water into the inlet

Grade existing soil to the same height as inlet. Grade to be higher on 7th Street side and gently slope towards the inlet

Existing Inlet

Columbus Street

100

206

25

Grant Updates – Bree Robinson

City Commission Meeting – Tuesday, January 3rd, 2023

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. We have filed 3 so far.

- **APPLIED again on 10/6! We will hear back on this late January.**

2. DEP Resilient Florida Grant application – Implementation

City submitted a grant request in the amount of \$2,039,500 to complete identified drainage projects in the city that have been documented, but have not been funded by other sources. If funded, the funds will repair known nuisance flooding drainage issues in more than 29 locations throughout the City. **Grant submitted 9-1-2022. Waiting for updates.**

3. DEP Resilient Florida Grant application – Planning

City submitted a grant request in the amount of \$300,000.00 to analyze existing vulnerable critical asset infrastructure in the City's commercial district and design a plan to mitigate street flooding through the retrofit of existing impervious parking and the design of pervious parking pockets on City-owned property, Avenue H specifically. **Grant submitted 8-31-2022. Waiting for updates.**

4. FWC Florida Boating Improvement Program – Battery Park Boarding Docks

In 2020, the City was awarded \$10,875.00 from the FWC Florida Boating Improvement Program for the Battery Park Boarding Docks replacement project. In 2021, the City spent \$23,066.85 on the new Battery Park Boarding Docks Project and the work was performed by Poloronis Construction. (The work has been inspected and approved by FWC.) The City was under the impression that we would not be reimbursed the \$10,875.00 due to improper procurement of services, but FWC has come back and offered reimbursement for the award due to the small amount! To be reimbursed we have to file a Site Dedication with Franklin County for the Battery Park Boat Ramp and FWC and put up a sign at the site. **The requirements have been met, sign has been installed, and the site dedication was filed with Franklin County. Reimbursement**

should be received any day now with this project closeout. Contacted FWC rep 12/21 regarding reimbursements, staff is out for holiday.

5. 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 engineer's estimate and recommendations.

AWARDED! – City was awarded the full amount for Leslie Street! This funding window begins July 1, 2023, and ends June 30, 2024. We will take steps to make sure this work can be completed ASAP. Waiting for agreement from FDOT, our representative from FDOT said to expect it in 2023 sometime before the funding window opens.

6. DEO Rural Infrastructure Fund – Drainage Basin Analysis Phase II + Camera Work of Stormwater Lines

An application requesting \$300,000 with no local match from the DEO Rural Infrastructure Fund was submitted on 8/31/22. The application was for the Phase II of a Drainage Basin Analysis that began in 2018. This \$300,000 grant proposal would fund an analysis of the drainage basins that border Apalachicola River and Bay. The proposal also includes funding to begin camera-work of the stormwater lines in the phase I, as recommended in that report. (We have to survey the damage before we can move forward on repairs.) The grant asks for \$110,000 for the analysis and mapping (per engineer estimate), \$5,000 for public education (grantors like to see we are promoting our message/work), \$24,000 in admin, and \$161,000 in camera-work for the phase I drainage basin area. This is a total of \$300,000 and there is no required local match.

Basins 11 and 3 were covered by the 2018 grant. This grant application would address the following basins: 1, 2, 4, 5, 6, 7, 8, 9, 10, 12-19. – **FUNDED 12/20/22! Waiting for inquiries/agreement!**

7. 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

We will be using continuing services engineering agreements – this will be an award recommendation at the February 2023 regular City Commission meeting!

8. *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. – **Applied - The Florida Historical Commission reviewed and scored eligible FY2024 Special Category grant applications on November 16, 2022. The Special Category Final Ranking Lists the City Hall project Year 2 (\$395,000) as recommended for funding. Official notification of grant award is pending Secretary of State approval and budget appropriation. We should receive official notification of funding on about July 1 of 2023. This is great news!**

9. *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!** Agreement received and signed in October.

- **RFP was advertised and procured according to state statutes and City procurement policy. An award recommendation is on the agenda for 1/3/23 meeting.**

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

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
- **FUNDED!** Have submitted the project work plan and budget for the agreement draft from DOS. 8/25
- **Question from DOS answered 9/26.** Should hear back soon and have agreement in hand.
- **11/3** – Still waiting for agreement.
- **12/1** – Have draft agreement in hand for staff review.
- **12/19 – AGREEMENT SIGNED!** Documents being turned in for FEIN and new grant coordinator must take their grant management quiz prior to procurement of services. (This agreement is until 2026 and is then subject to extensions.)

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. **Waiting on delivery dates and costs for generators. The delays are at least 55 weeks with a cost increase of 4 times the original figures. Once we determine those issues, we will adv an RFQ. In addition, an amendment will need to be done with the state to address the time and cost. (12/1)**

- **TME discussed with funding agency reps and they have decided we should not wait on Ring Power for quotes due to the timelines. TME is taking the Scope of Work and developing an RFP for these services. Will be sending to**

funding agency by mid January for approval to advertise – after the bids come in we will do an amendment with the funding agency for the time and funding increase on this effort. The funding agency is aware of the rising costs and are telling us to try for an amendment with them to cover the additional costs, but we will not know for sure until the amendment is submitted after bids are received. (12/21)

12. 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 & HCA

RFPs to select a contractor to complete the repair/restoration on both projects has been advertised and the scope of work for each is on the City website. The period to respond to the RFP for both City Hall and the HCA building was October 20. The City has submitted requests for payment for the first set of deliverables for each project. **The request for payment on HCA has been received; the payment for the City Hall is pending NPS approval of the contract modification. We have resubmitted the payment request for City Hall (payment request #1 \$99,979) because the grant portal shows the grant amendment has been approved.**

As per DHR, the City has re-advertised both the HCA and City Hall construction projects in accordance with State procurement requirements. New bids are due by January 10, 2023.

13. 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 pushed to March to avoid frost during establishment – Dan is in contact.**
 - ii. Filed for last bit of reimbursement in November. (6k)

- iii. **Reimbursement of remaining 6k received and project closeout complete!**
- 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. ALL policies needed have been completed!
 - i. **ENGINEERING PROCUREMENT IN PROGRESS!** The contracted engineer, once selected, will put together a project schedule based on design time needed and anticipated construction duration. Environmental review will run concurrently with design and permitting.
 - ii. **Engineering Scoring of Bids has been completed. - City authorized to enter into contract negotiations with Halff, CDG, and Dewberry on 11.8.2022. Draft contracts have been submitted and are currently under review with counsel. Recommendation to execute contract and award task order for this project is on the 01.03.2022 agenda, subject to DEO review/approval.**
- c. **CDBG-DR Hometown Revitalization** –Riverfront Revitalization and Hill Community Revitalization projects: City has received environmental exemption for administrative and engineering services. ALL policies needed have been completed! **ENGINEERING PROCUREMENT IN PROGRESS!** The contracted engineer, once selected, will put together a project schedule based on design time needed and anticipated construction duration. Environmental review will run concurrently with design and permitting. **City authorized to enter into contract negotiations with Halff, CDG, and Dewberry on 11.8.2022. Draft contracts have been submitted and are currently under review with counsel. Recommendation to execute contracts and award task orders approved on 12.6.2022, subject to DEO review/approval.**
 - Hill Community (M0033): CENST approval memo was issued by DEO on July 14, 2022. The city is currently working on the RFQ for engineering procurement. Once an engineer is on board, we'll be able to confirm scope of work and begin environmental review. **CDG Engineering was selected for this project; the contract is currently under review with city attorney.**
 - Riverfront (M0034): CENST approval memo was issued by DEO on July 14, 2022. The city is currently working on the RFQ for engineering procurement. Once an engineer is on board, we'll be able to confirm scope of work and begin environmental review. **Halff Engineering was selected for this project; the contract is currently under review with city attorney.**

- 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 bidding was advertised and has closed. Advertised in The Democrat per MSA paper standards from DEO and awarded to TME 9/27. TME is working on RFP for a contractor for the generators and installation. **Waiting on delivery dates and costs for generators. The delays are at least 55 weeks with a cost increase of 4 times the original figures. Once we determine those issues, we will adv an RFQ. In addition, an amendment will need to be done with the state to address the time and cost. (12/1)**
- i. **TME discussed with funding agency reps and they have decided we should not wait on Ring Power for quotes due to the timelines. TME is taking the Scope of Work and developing an RFP for these services. Will be sending to funding agency by mid January for approval to advertise – after the bids come in we will do an amendment with the funding agency for the time and funding increase on this effort. The funding agency is aware of the rising costs and are telling us to try for an amendment with them to cover the additional costs, but we will not know for sure until the amendment is submitted after bids are received. (12/21)**
- 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 was advertised and has closed. Advertised in The Democrat per MSA paper standards from DEO and awarded to TME 9/27. **RFQ is advertised with a due date of 12/22 and an award date of 1/3/23.** Awards will be issued at February meeting due to cut off date for agenda due to holidays.
- f. **Michael FEMA Projects Updates**
- i. **Bodiford** - BODIFORD PLANS COMPLETE! Waiting for exemption for permits from FEMA to be reviewed. - Received exemption ... waiting on FEMA to re-establish the costs in the project. Still waiting on FEMA 12/21.
- ii. **Scipio** – Designs from Dewberry draft complete – waiting for full. Waiting for scope verification from FEMA to bid out. Still waiting on FEMA 12/21.
- 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. **City staff is currently measuring alleys to get updated quotes on materials. Oyster shells are no longer available, so City is looking into other options. Gravel, lime rock, asphalt millings, etc.** Scope will have to changed with FEMA before beginning.

- 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** – Boardwalk work and lighting donation have been **COMPLETED!** It appears that we were supposed to be exempt from permits for this work per engineer opinion, since there was no in-water repairs, but we are waiting for USACE and DEP to confirm this with FEMA before this project can close out and Bodiford and Scipio can begin. - Received the USACE and FDEP permits! Still waiting on FEMA 12/21.
 - vi. **Hurricane Sally** – Almost all Sally projects are completed and finalized. TME is uploading receipts to finish. This will be completed once all docs are received to upload.
- g. **Department of Historical Resources 2023 Small Matching Grant – Black History Trail. FUNDED!** Scope slightly changed as some work has already been completed. (signage)
- i. **Agreement has been signed and scope modified!**
 - ii. **City is administering the grant with a 8/31 deadline for all deliverables. Representatives from the North Florida African American Corridor Project have been contacted and are in communication to meet all deadlines. City Commission will be presented the mock-ups of signage before creation/install. Timeline is as follows:**
 1. Historian work/story accumulation complete **by May 15th**
 2. Graphic Design of Signs + StoryMap complete **by June 30th**
 3. Fabrication of Signs + Storymap Live on Web **by July 30th**
 4. Site Prep & Installation of Signs + Project Closeout **by August 31st**

14. 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. **Total project costs are approximately \$19M, which will be fully funded through two separate DEP awards (Award #1 = \$13.4M, Award #2 = \$5.6M). See cost breakdown below.**

- Scope of works for both efforts are in progress! Cost breakdown below:

- DEP requested several documents to send out agreements – documents supplied. Still ongoing. **DEP Award #1 & #2 have both been executed!**
- **A Kickoff Webinar for Award #1 was held with DEP and the City on 11/1/2022.**
- While continuing services agreements can be generally be used for DEP funding, the expected cost of the construction contract exceeds thresholds for use of continuing services agreements. As previously reported, Engineering services for this project will utilize a firm selected from the Engineering RFQ that is being used for CDBG-DR efforts.
- City authorized to enter into contract negotiations with Halff, CDG, and Dewberry on 11.8.2022. Draft contracts have been submitted and are currently under review with counsel. City staff authorized to execute contracts and task orders approved on 12.6.2022, subject to DEO review/approval.
- **Dewberry Engineering was selected for this project; the contract is currently under review with city attorney.**

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! Contract signed with Bay Media and research, data collection has begun. Public Workshop took place on December 6.**

15. USDA Water Street Sidewalk and Lighting –

Construction by CWR Contracting, Inc. is in progress! Have made first payment and are filing for reimbursement. Second payment has been made and are filing for reimbursement. There has been an issue with power poles needing to be relocated to finish the project in 2 spots – extension has been requested.

16. 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 December 21st, 2022 at 12:00pm. 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: January 2023
SUBJ: City Attorney Report for Commission Meeting

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

We attended mediation on August 3, 2022. Resulting from the mediation was the conceptual settlement agreement presented to the Commission at the September 2022 meeting. The Agreement calls for certain stormwater improvements to be made by the parties. At the September 2022 Commission meeting the Commissioners requested additional information as to exactly what improvements were to be constructed in accordance with the engineering studies performed. Smith/Nall have submitted an application for Flood Plain Management Permit as called for in the Agreement. This application contains a more detailed description of the improvements to be constructed. A copy of this application is attached for review. The Settlement agreement must still be approved by the Commission.

A Workshop of the Apalachicola City Commission was held on Tuesday, December 6, 2022 at 3:30 PM at the Apalachicola Community Center located at 1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Anita Grove, Commissioner Despina George, Commissioner Adrian Elliott, City Manager Travis Wade, Attorney Dan Hartman, Lee Mathes

Workshop called to order by Mayor Ash followed by prayer and Pledge of Allegiance.

VULNERABILITY ANALYSIS WORKSHOP

Cindy Clark explained the data for the 2017 Vulnerability Analysis was based on sea level rise. Storm surge data will be the major focus for the new study. This study will also update the Coastal Element of the Comprehensive Plan and will also help with the CRS flood rating.

Discussion held.

Ms. Clark stated data should be available within 3 months, but another workshop may be required before plan is finalized. Comprehensive Plan update will follow the same timeline.

Motion to adjourn workshop made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 0.

Brenda Ash, Mayor

Lee Mathes

A Regular Meeting of the Apalachicola City Commission was held on Tuesday, December 6, 2022, at 4:00 PM at the Apalachicola Community Center, 1 Bay Avenue.

Present: Mayor Brenda Ash, Commissioner Anita Grove, Commissioner Despina George, Commissioner Donna Duncan, Commissioner Adrian Elliott, City Manager Travis Wade, City Attorney Dan Hartman, Finance Director Mark Gerspacher, Lee Mathes

Regular Meeting opened by Mayor Ash followed by invocation and Pledge of Allegiance.

AGENDA ADOPTION

Motion to adopt agenda made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

PRESENTATION: LISA KELLEY – DEWBERRY ENGINEERING CONSENT ORDER UPDATES

Lisa Kelley updated Commission on consent orders regarding drinking water violations and explained how TTHMs are created within the water system.

Mayor Ash commended City Manager Wade and Rhett Butler for meeting all DEP requirements and deadlines and the Water and Sewer Department for making sure everything is working properly.

Ms. Kelley explained TTHM testing process and stated that results are public record and are posted online at DEP website.

Mayor Ash thanked Ms. Kelley for her assistance in this matter.

PUBLIC COMMENT

Public comments consisted of the following: 1) TTHM water violations; 2) Disapproval of changing election cycle; 3) Water & Sewer Tap Installations; 4) Recreation Committee presentation for January Commission meeting.

NEW BUSINESS – APALACHICOLA RIVERKEEPER – GEORGIA ACKERMAN

Update provided to Commission regarding legal case against the USACE Water Control Manual.

Motion to include City of Apalachicola in the Vermont Law School amicus brief made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

NEW BUSINESS – NFAACP – LETTER RE: HIRING CURATOR AT HCA

Motion to approve letter of support stating NFAAC has permission to undertake the African American Cultural Heritage Action Fund grant-funded project in the Center for History, Culture, and Arts made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

NEW BUSINESS – LIBRARY BOARD MEMBER APPROVAL

Motion to appoint Dolores Croom as the alternate to the Apalachicola Margaret Key Library Advisory Board made by Commissioner George, seconded by Commissioner Elliott. Motion carried 5 to 0.

NEW BUSINESS – TREE COMMITTEE MEMBERS APPROVAL

City Manager Wade stated John Fitzhugh and Samuel Berkhelser have submitted applications to serve on Tree Committee.

Motion to appoint John Fitzhugh and Samuel Berkhelser to the Tree Committee made by Commissioner Grove, seconded by Commissioner George.

Commissioner Elliott stated that John Fitzhugh is only in Apalachicola November – May and should not be considered for appointment.

Motion amended to appoint Samuel Berkhelser to Tree Committee made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

UNFINISHED BUSINESS – ENGINEERING PROJECT AWARDS – FELICITY EDWARDS

Motion to authorize City Staff to execute contracts upon successful negotiation by City Staff and funding agency review/acceptance (if required) made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

Motion to authorize City Staff to award task orders for professional services solicited under RFQ 2022-02 made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

MAYOR & COMMISSIONER COMMENTS

Commission comments consisted of the following: 1) Wishing everyone a happy holiday season; 2) State of Florida Earmarked projects; 3) Cleanliness of downtown public restrooms; 4) City Lobbyist attending January commission meeting; 4) Update on County local internet team.

CITY MANAGER COMMUNICATIONS

City Manager Wade commended Water & Sewer Department, City was awarded a hazard mitigation grant for a portable generator, Duke Energy will be starting the annual tree trimming on December 7th, and updated Commission on 6th Street Library renovations.

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 stated a joint workshop with Planning & Zoning must be held to proceed with height ordinance.

Mayor Ash stated a workshop to discuss encroachments needs to also be scheduled.

Commission agreed to hold joint workshop with Planning & Zoning Commission on January 9, 2023, at 4:30 PM to discuss height ordinance and encroachments.

Commissioner George recommends holding a workshop to discuss the election cycle.

Commission agreed to set workshop on February 7, 2023, at 3:00 PM to discuss election cycle.

CONSENT AGENDA

1. Meeting Minutes Adoption – November 8, 2022, Regular Meeting Minutes
2. P&Z Minutes – November 14, 2022

Motion approve consent agenda made by Commissioner Elliott, seconded by Commissioner Grove.
Motion carried 5 to 0.

DEPARTMENT REPORT

Department reports are in agenda packets which are located on City’s website.

ADJOURNMENT

Motion to adjourn made by Commissioner George, seconded by Commissioner Elliott. Motion carried 5 to 0.

Brenda Ash, Mayor

Lee Mathes

Grant Updates – Bree Robinson

City Commission Meeting – Tuesday, December 6th, 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. We have filed 3 so far.

- **APPLIED again on 10/6! We will hear back on this late January.**

2. DEP Resilient Florida Grant application – Implementation

City submitted a grant request in the amount of \$2,039,500 to complete identified drainage projects in the city that have been documented, but have not been funded by other sources. If funded, the funds will repair known nuisance flooding drainage issues in more than 29 locations throughout the City. **Grant submitted 9-1-2022. Waiting for updates.**

3. DEP Resilient Florida Grant application – Planning

City submitted a grant request in the amount of \$300,000.00 to analyze existing vulnerable critical asset infrastructure in the City's commercial district and design a plan to mitigate street flooding through the retrofit of existing impervious parking and the design of pervious parking pockets on City-owned property, Avenue H specifically. **Grant submitted 8-31-2022. Waiting for updates.**

4. FWC Florida Boating Improvement Program – Battery Park Boarding Docks

In 2020, the City was awarded \$10,875.00 from the FWC Florida Boating Improvement Program for the Battery Park Boarding Docks replacement project. In 2021, the City spent \$23,066.85 on the new Battery Park Boarding Docks Project and the work was performed by Polaronis Construction. (The work has been inspected and approved by FWC.) The City was under the impression that we would not be reimbursed the \$10,875.00 due to improper procurement of services, but FWC has come back and offered reimbursement for the award due to the small amount! To be reimbursed we have to file a Site Dedication with Franklin County for the Battery Park Boat Ramp and FWC and put up a sign at the site. **The requirements have been met, sign has been**

installed, and the site dedication was filed with Franklin County. Reimbursement should be received any day now with this project closeout.

5. *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 engineer's estimate and recommendations.

AWARDED! – City was awarded the full amount for Leslie Street! This funding window begins July 1, 2023, and ends June 30, 2024. We will take steps to make sure this work can be completed ASAP. Waiting for agreement from FDOT.

6. *DEO Rural Infrastructure Fund – Drainage Basin Analysis Phase II + Camera Work of Stormwater Lines*

An application requesting \$300,000 with no local match from the DEO Rural Infrastructure Fund was submitted on 8/31/22. The application was for the Phase II of a Drainage Basin Analysis that began in 2018. This \$300,000 grant proposal would fund an analysis of the drainage basins that border Apalachicola River and Bay. The proposal also includes funding to begin camera-work of the stormwater lines in the phase I, as recommended in that report. (We have to survey the damage before we can move forward on repairs.) The grant asks for \$110,000 for the analysis and mapping (per engineer estimate), \$5,000 for public education (grantors like to see we are promoting our message/work), \$24,000 in admin, and \$161,000 in camera-work for the phase I drainage basin area. This is a total of \$300,000 and there is no required local match.

Basins 11 and 3 were covered by the 2018 grant. This grant application would address the following basins: 1, 2, 4, 5, 6, 7, 8, 9, 10, 12-19. – **APPLIED, WAITING FOR UPDATES.**

7. *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

Still pending staff scoring of firms and award recommendation. Coming soon!

8. *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. – **Applied - The Florida Historical Commission reviewed and scored eligible FY2024 Special Category grant applications on November 16, 2022. The Special Category Final Ranking Lists the City Hall project Year 2 (\$395,000) as recommended for funding. Official notification of grant award is pending Secretary of State approval and budget appropriation. We should receive official notification of funding on about July 1 of 2023. This is great news!**

9. *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!** Agreement received and signed in October.

- **RFP IS LIVE!**

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

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
- **FUNDED!** Have submitted the project work plan and budget for the agreement draft from DOS. 8/25
- **Question from DOS answered 9/26.** Should hear back soon and have agreement in hand.
- **11/3** – Still waiting for agreement.
- **12/1** – Have draft agreement in hand for staff review.

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. **Waiting on delivery dates and costs for generators. The delays are at least 55 weeks with a cost increase of 4 times the original figures. Once we determine those issues, we will let an RFQ. In addition, an amendment will need to be done with the state to address the time and cost.**

12. 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 & HCA

RFPs to select a contractor to complete the repair/restoration on both projects has been advertised and the scope of work for each is on the City website. The period to respond to the RFP for both City Hall and the HCA building was October 20. The City has submitted requests for payment for the first set of deliverables for each project. **The request for payment on HCA has been received; the payment for the City Hall is pending NPS approval of the contract modification. We have resubmitted the payment request for City**

Hall (payment request #1 \$99,979) because the grant portal shows the grant amendment has been approved.

UPDATE 12/1 – As per DHR, the City has re-advertised both the HCA and City Hall construction projects in accordance with State procurement requirements. New bids are due by January 10, 2023.

13. 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 pushed to March to avoid frost during establishment – Dan is in contact.**
 - ii. Filed for last bit of reimbursement in November. (6k)
- 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. ALL policies needed have been completed!
 - i. **ENGINEERING PROCUREMENT IN PROGRESS!** The contracted engineer, once selected, will put together a project schedule based on design time needed and anticipated construction duration. Environmental review will run concurrently with design and permitting.
 - ii. **Engineering Scoring of Bids has been completed. - City authorized to enter into contract negotiations with Halff, CDG, and Dewberry on 11.8.2022. Draft contracts have been submitted and are currently under review with counsel. Recommendation to execute contracts and award task orders is on the agenda for 12.6.2022, subject to DEO review/approval.**
- c. **CDBG-DR Hometown Revitalization** –Riverfront Revitalization and Hill Community Revitalization projects: City has received environmental exemption for administrative and engineering services. ALL policies needed have been completed! **ENGINEERING PROCUREMENT IN PROGRESS!** The contracted engineer, once selected, will put together a project schedule based on design time needed and anticipated construction duration. Environmental review will run concurrently with design and permitting. **City authorized to enter into contract negotiations with Halff, CDG, and Dewberry on 11.8.2022. Draft contracts**

have been submitted and are currently under review with counsel. Recommendation to execute contracts and award task orders is on the agenda for 12.6.2022, subject to DEO review/approval.

- Hill Community (M0033): CENST approval memo was issued by DEO on July 14, 2022. The city is currently working on the RFQ for engineering procurement. Once an engineer is on board, we'll be able to confirm scope of work and begin environmental review.
 - Riverfront (M0034): CENST approval memo was issued by DEO on July 14, 2022. The city is currently working on the RFQ for engineering procurement. Once an engineer is on board, we'll be able to confirm scope of work and begin environmental review.
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- g. **Department of Historical Resources 2023 Small Matching Grant – Black History Trail. FUNDED!** Docs for agreement in progress, scope slightly changing as some work has been completed. (signage) Question has come up as to who will manage the historian work for signage. HCOLA possibility? Will explore options.
 - i. **Will detail scope in New Year.**

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currently under review with counsel. Recommendation to execute contracts and award task orders is on the agenda for 12.6.2022.

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.

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 - 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 December 1st, 2022 at 12:00pm. After that time, information is subject to change. If you have any questions, please send them to brobinson@cityofapalachicola.com!

Finance Director – Mark Gerspacher

City Commission Meeting –December 6, 2022 – 4:00pm

1. 2020 – 2021 Audit

We ran into a couple more delays with the audit due to some things that were posted incorrectly in the 2020-2021 fiscal year. We should have a draft report this week and have a special meeting to approve the audit.

2. Banyan

We ran into more technical issues with our computers that have again delayed the implementation of Banyan. The latest one is resolved so we are moving forward

3. RFP for Elevated Tank Coating

This RFP went out and we will receive responses by December 15.

4. FY2021 - 2022 Budget Amendment

We are past due to complete a budget amendment for the 2021 – 2022 fiscal year because we are waiting on our latest audit report. In order for the amendment to be accurate, we need good numbers going into the fiscal year. I anticipate having a budget amendment ready for the January Commission meeting. Because the amendment will need to be done by ordinance we will either need a special meeting in January or will need to approve at the February meeting. In speaking with attorney Hartman, the only consequence of being late with this is that we will have a finding on our audit.

5. Current Year Budget reports

I anticipate being able to present year to date budget reports at the January commission meeting that will summarize the first quarter of the fiscal year.

ATTORNEY REPORT

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

1. **Height Ordinance**

The Height ordinance has been placed in form for first reading in accordance with the direction of the Commission at the November 2022 City Commission meeting. However, certain additional steps must be taken before first reading in order to ensure compliance with State requirements applicable to amendment of the City Land Use Code.

2. **Change in Date of Elections**

At the November 2022 Commission meeting I was asked to provide information as to the authority and process by which the City could change its date of election to coincide with the County, State and National election cycles. i.e. November of even numbered years. I have included with this report a Memorandum for review and consideration on the subject.

MEMORANDUM

To: City Commission, Manager and Clerk

From: Daniel W. Hartman, City Attorney

Date: December 1, 2022

Re: Moving Date of City Elections; Effect on Commissioner Terms in Office

At the City Commission meeting on November 8, 2022 the Apalachicola City Commission requested information regarding moving the date of City elections to coincide with the County, State and National election cycles. The purpose of such a change in the election cycle would be to increase voter participation and achieve financial savings to the City. The City will realize a significant cost saving by moving the dates of City elections to correspond with County, State and National elections if County elections officials would agree to handle the many functions associated with municipal elections which are currently handled and paid for by the City. Typically these can be performed by the County Supervisor at a reduced cost to that currently imposed on the City. This would need to be discussed with the County Supervisor to determine her willingness to assist the City with elections. The Supervisor has taken on this role in the County's other municipality.

The date of elections is established in Code of Ordinances, Part II, Section 16-1. Currently the City has a biannual regular election of Commissioners for the City held on the third Tuesday after the third Monday in September of each odd-numbered year. See Section 16-1 Further the City is responsible to provide notice of general elections, for poll administration, vote counting and certification. See Code of Ordinances, Part II, Chapter 16.

The City of Apalachicola is not the first city to contemplate moving it elections to coincide with County, State and National elections for the reasons set forth above. Prior to 1995 the process to accomplish this change was a bit more difficult and required a ballot referendum along with an Ordinance in cases such as the City of Apalachicola where the City Charter was adopted before July 1, 1973.

During the 1995 State legislative session, legislation was introduced to amend section 166.021(4), F. S. and to create section 100.3605, F. S. The legislative history associated with this legislation indicates an intent that municipalities are authorized to amend their charters, whether those charters were adopted before or after July 1, 1973, to change the election date and qualifying periods for candidates, including any changes in terms of office necessitated by such amendment, by Ordinance and without referendum. See, A.G.O. 2000-61 and 2003-52. The provisions of Florida Statutes governing such charter amendments are found at Section(s) 166.021, 166.031 and 100.3605, Florida statutes. The City recognized the changes to State law in applicable City Charter sections dealing with elections. The Charter states in pertinent part "The provisions of Code of Ordinances, part I, Art. XVII. section 140 have either assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Apalachicola Code (see Code sections 9-4 et seq., or are superseded by F.S. §§ 97.041, 98.091(3), 100.011, 100.342, 101.031, 101.041, 101.21, 101.635, 101.75, and 166.032." In short, the City moved the applicable election Charter provisions out of the Charter (Part I) and into the Code of Ordinances Part II. This further solidifies that the election date can be changed by Ordinance.

Can the City Commission Move the Election Dates?

Specifically can the City move the City election scheduled for September 2023 or September 2025 to coincide with the regular November 2024 or 2026 election cycle?

Answer: Based on the plain language of Section 100.3605 and 166.021(4), F.S. the City Commission of Apalachicola may move the election dates set forth in the City Code to November of an even numbered year – November 2024 or 2026. This amendment to Code of Ordinances Part II, Section 16-1 can be accomplished by Ordinance and does not have to be accompanied by a ballot referendum.

Can the City Commission Extend or Reduce the Terms of Sitting Commissioner?

Another issue to be addressed during the decision is the impact on the terms of sitting Commissioners and of those qualifying for office in a future election. i.e. by moving the election date the City Commission must decide whether to lengthen or shorten a standard term of office for one cycle. This change in the term of office could be over one (1) year. In the prior AGOs cited

above the extension of terms was up to approximately 7 months or less. By contrast, in order to accomplish:

- i. the moving of the City elections to coincide with the dates of upcoming County, State and National elections in the 2024 or 2026 election cycles;
- ii. achieve the resulting cost savings; and
- ii. increased voter participation.

The Commission faces a decision as to which election cycle to make the transition and then identify the effect on then sitting and to be elected Commissioners. It should be noted that the extension of the terms of sitting commissioners would be for the singular purpose of making an orderly transition to coincide with the County, State and National elections in November of the chosen transition year and not as a permanent change to elected official's terms of office. ¹

In 2013 the city of Arcadia confronted almost exactly the issue we face. The charter amendments sought by Arcadia would have the effect of extending the terms of sitting municipal officers by more than one year. The city was aware of the prior Atty. Gen. opinions cited above but had a particular concern that the length of the extended terms necessitated by moving the election dates. i.e. in excess of one (1) year.

The Atty. Gen. determined that nothing in the applicable statutes or in the legislative history related to their enactment placed a restriction on the authority granted by the statute to increase the term of a sitting Commissioner required for the "orderly transition of office" affected by the ordinance. Accordingly, the Atty. Gen. determined that the length of the extension of the terms of the sitting commissioners which appears to be identical to the instant case can be accomplished through Ordinance and without voter approval by referendum. See, AGO 2013-05.

Answer: The City of Apalachicola can authorize by Ordinance and without referendum the extension of the terms of current sitting Commissioners by the over one (1) year necessary to make City elections coincide with County elections in 2020 and 2022.

¹ A permanent change to the terms of office would still require a ballot referendum. See, AGO 2001-81.

Similarly, an ordinance could shorten the terms in order to bring them into sync. However, this may best be accomplished by qualifying Commissioners during an upcoming regular election cycle for a clearly delineated shortened term of office.

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
WORKSHOP & REGULAR MEETING
MONDAY, December 12th, 2022
Community Center - 1 Bay Avenue
Minutes

Attendance:

- **Al Ingle, Bobby Miller, Lee McLemore, Elizabeth Milliken, Jim Bachrach, Chase Galloway**

Workshop - Height Ordinance: 5:30 PM

- **Chairman Al Ingle began the workshop by explaining that the new proposed height ordinance was drafted by the City Commission and is meant to strengthen the current height restrictions and require a 3+1 vote from the City Commission for any future changes. He explained that the City of Apalachicola has a unique and historic character and we need to protect it to the best of our ability.**
- **City Attorney Dan Hartman clarified and reiterated that this new ordinance is a strengthening of the current ordinance and, along with the 3+1 City Commission vote, will also require all of the steps within Policy No. 002. The City of Apalachicola Policy 002 was adopted in 2006 and is called the Comprehensive Plan and Land Development Code Amendment Procedure.**
- **P&Z members expressed support and endorsed the proposed height ordinance that has been drafted by the City Commission. There were no further comments made and the workshop was closed at 5:45PM. Another P&Z workshop and a joint workshop with P&Z and the City Commission will be scheduled to meet the requirements of Policy 002.**

Regular Meeting: 6:00 PM

1. Approval of November 14th, 2022 regular meeting minutes.
 - **Motion to approve by Jim Bachrach; 2nd by Lee McLemore. All in favor – motion carried.**

2. Review, Discussion and Decision for Shed. **(R-3) @ 449 23rd Avenue.** Block 209, Lots 20-23. For G. Johnson -Owner; Contractor: Stor-Mor Portable Buildings of Crawfordville
 - **Motion to approve by Chase Galloway; 2nd by Jim Bachrach. All in favor – motion carried.**

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
WORKSHOP & REGULAR MEETING
MONDAY, December 12th, 2022
Community Center - 1 Bay Avenue
Minutes

3. Review, Discussion and Decision for Deck Addition. **(Historic District) (R-1) @ 66 7th Street**, Block 30, Lot 2. For R. & K. Stead -Owner; Contractor: Construct Group SE Inc.
 - **Motion approve by Jim Bachrach; 2nd by Lee McLemore. All in favor – motion carried.**

4. Review, Discussion and Decision for Mobile Home. **(R-3) @ 277 24th Street**, Block 233 Lots 37-40. For D. Crum –Owner; Contractor: F.P. Scott
 - **Motion to approve by Jim Bachrach; 2nd by Elizabeth Milliken. All in favor – motion carried.**

5. Review, Discussion and Decision for Decking/Walkway. **(Historic District) (R-1) @ 12 6th Street**, Block 26, Lot 3. For R. Dobbie -Owner; Contractor: Poloronis
 - **Motion to approve by Jim Bachrach; 2nd by Chase Galloway. All in favor – motion carried.**

6. Review, Discussion and Decision for Brick Walkway, Patio, & Gravel Parking. **(Historic District) (O/R) @ 77 14th Street**. Block 86 Lot 7. For J. & L. Hallman; Contractor: N/A
 - **Motion to approve by Bobby Miller; 2nd by Lee McLemore. All in favor – motion carried.**

7. Review, Discussion and Decision for Fence & Pool Deck Addition – Pavers/Concrete. **(Historic District) (R-1) @ 127 Avenue B**. Block 44 Lot 1-2. For G. & C. Wilkerson – Owner; Contractor: E. Rodriguez Construction LLC
 - **Motion to approve by Jim Bachrach; 2nd by Bobby Miller. All in favor – motion carried.**

Other/New Business: N/A

Outstanding/Unresolved Issues:

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
WORKSHOP & REGULAR MEETING
MONDAY, December 12th, 2022
Community Center - 1 Bay Avenue

Minutes

- P&Z board to discuss and make motion to approve or disapprove of Chairman Al Ingle approaching the City Commission for permission for the Planning & Zoning Board to workshop the Historic District Guidelines and consider making them part of the City of Apalachicola Land Development Code.
 - **Chairman Al Ingle explained that P&Z should be cautious about the Historic Guidelines and would like to workshop them to eventually make them a part of the land development code. He noted that there could be more visually modern homes built in the Historic District and it could detract from the historic neighborhoods.**
 - **Motion to approve of Chairman Al Ingle approaching the City Commission regarding workshopping the Historic District Guidelines was made by Jim Bachrach; discussion followed.**
 - **Bobby Miller spoke that he is against more regulations on homeowners and warned that P&Z needs to be very careful about taking away people's property rights – one idea could overload city staff and place a burden on citizens working on their homes in the future. He referenced excessive rules on doors and windows and that they are not clearly defined in the current Historic Guidelines. He stated that it would be for the better good of the community as a whole to not workshop the guidelines and not implement them as code, but to keep them as guidelines only.**
 - **Jim Bachrach stated that this is an opportunity just to workshop them and that it might not end up going anywhere.**
 - **Lee McLemore asked for specific examples of recent development that might have detracted from the historic neighborhoods – no examples or addresses were named.**
 - **Chairman Al Ingle stated that he did not want to cause problems by naming any addresses and just wanted to open the idea of workshopping the guidelines. He asked the present P&Z members if it was worth pursuing or to just hold this for later and discussion amongst members followed.**
 - **Elizabeth Milliken stated that we still check setbacks, etc. and that there are still rigid requirements in place and other members agreed.**
 - **Jim Bachrach withdrew his motion.**
 - **Bobby Miller requested that City Staff keep tabs on any future issues that might arise from not having the guidelines as code.**
 - **Discussion ends – no passing motion.**

Motion to adjourn by Jim Bachrach; 2nd by Lee McLemore. Meeting adjourned.

Minutes Approved:



(Chairman Al Ingle)

Date: 12/20/22



CITY OF APALACHICOLA CODE ENFORCEMENT

192 Coach Wagoner Blvd * Apalachicola, Florida 32320 * 850-653-8222

December 22, 2022

CODE ENFORCEMENT OFFICE

December, 2022

3 Tree Permits (photos and site visits). One of these was a city permit.

2 Fence Permits (with site visits)

1 Fill Permit (No fee under foundation)

1 Sidewalk Permit

1 Dumping sites visited

2 Meetings regarding debris/blight on personal and city property

2 Ordinance violations posted

2 Stop Work Orders

11 Citations issued

11 Fines issued

Daily Office Meetings

Daily phone inquiries & emails answered

Set up files for each new permit

Multiple visits to 245 12th Street. (non-compliance and additional citations issued)

Ongoing investigation regarding 123 6th Street. Fourth certified letter plus fines to Glen Coxwell to remove the illegal and unpermitted fill.

Continued preliminary work on new short-term private transient rental ordinance.

Continuous monitoring of violation properties.

3 Records Request

1 Grease Trap inspection with violation (Hong Kong Bistro)

1 Lien Research (270 Prado)

Fees Collected

Tree Permits \$175 (\$100 City/ \$75 Tree Reforestation)

Fence Permits \$100

Sidewalk Permits \$250



**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 3, 2023**

SUBJECT: Approval of 2022-2023 Millage Rate and Budget

AGENDA INFORMATION:

Agenda Location: Addendum

Department: Finance

Presenter: Mark Gerspacher, Finance Manager

BRIEF SUMMARY: The City received notice that the ad valorem proceeds were calculated using less than 95 percent of the Gross Taxable Value as required. Because of that, we need to approve the budget again with the same millage rate and \$63,377 in additional revenue. The expenses were added to the governing body budget as an item to be allocated later in the year.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approval of Millage Rate and Budget as advertised and attached.

FUNDING SOURCE:

ATTACHMENTS: Ordinance 2022-02 and Resolution 2022-06

STAFF'S COMMENTS AND RECOMMENDATIONS:

Approval

CITY OF APALACHICOLA
ORDINANCE NO. 2022-02
AN ORDINANCE BY THE CITY COMMISSION
OF THE CITY OF APALACHICOLA, FLORIDA
ADOPTING THE 2022-2023 FISCAL YEAR BUDGET Published per Ordinance

Be it enacted by the people of the City of Apalachicola, Florida:

Section 1. The following department expense amounts are hereby appropriated in the General Fund for the operation and activities of the City of Apalachicola for the fiscal year beginning October 1, 2022 and ending September 30, 2023:

Administration	\$713,423
ARPA	1,047,234
Facilities	888,275
Fire	141,915
Governing Board	290,147
Library	152,218
Parks & Recreation	85,000
Police	738,889
Project Impact	511,320
Public Works	1,369,403
Zoning/Code Enforcement	284,806
Total Expenditures	\$6,222,630

Section 2. It is estimated that the following revenues will be available to the General Fund for the fiscal year beginning October 1, 2022 and ending September 30, 2023:

Ad Valorem Taxes	\$1,617,909
½ Cent Sales Tax	250,000
Mobile Home License Tax	75
Alcoholic Beverage Tax	4,000
Utility Franchise	188,393
Local Communications Tax	75,000
Utility Tax	265,000
State Revenue Sharing	107,079
Building License Fees	35,000
Building Permit Fees	80,000
Golf Cart Permits	12,000
Tree Application Fees	2,250
Tree Reforestation Fees	5,130
Sidewalk Permits	1,000
County Fire Protection	37,000
Fines & Forfeitures	14,000
Cemetery Lots	10,000
Miscellaneous Revenue	590,000
Facility/Property Rent	35,000
Traffic Light Reimbursement	5,000
Farmers Market	3,000
Sanitation Fees	600,000
Sanitation Administration Fee	30,000
Project Impact Administration Fee	25,566
Firing Range	10,000
Community Gardens	500
HCA Museum	20,000
Library Programs	12,000
Grant – Project Impact	511,320
Local Option Gas Tax – Restricted	71,400
Program Revenue	1,625
Carryforward	1,603,383
Total Revenues	\$6,222,630

Section 3. The total revenues and expenditures for the General Fund result in the following deficit from which funds are drawn from the 2021-2022 Carryforward.

Carryforward	\$1,603,382
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Section 4. The following department expense amounts are hereby appropriated in the Enterprise Fund for the operation and activities of the City of Apalachicola for the fiscal year beginning October 1, 2022 and ending September 30, 2023:

Water Department	\$1,704,080
Sewer Department	2,117,417
Battery Park	45,050
Scipio Creek	49,380
Total Expenditures	\$3,915,927

Section 5. It is estimated the following revenues will be available to the Enterprise Fund for the fiscal year beginning October 1, 2022, and ending September 30, 2023:

Water Revenue	\$1,041,502
Sewer Revenue	1,651,885
Battery Park Revenue	82320

Carryforward	1,077,220
Scipio Creek Revenue	63,000
Total Revenues	\$3,915,927

Section 6. The total revenues and expenditures for the Enterprise Fund result in the following deficit from which funds are drawn from the 2021-2022 carryforward and was used for 2022-2023 qualified projects. The following amounts are 2021-2022 Carryforward

Carryforward	\$1,077,220
Increase in Water Fund Reserves:	
Water Department Reserve	\$135,267
Wastewater Department Reserve	132,993

Increase in Enterprise Fund Reserve \$268,260

Section 7. The following expense amounts are hereby appropriated in the Special Revenue Fund for the operation and activities of the City of Apalachicola for the fiscal year beginning October 1, 2022 and ending September 30, 2023:

Community Redevelopment Agency	\$0
Revolving Loan Fund	0
Total Expenditures	\$ 0

Section 8. It is estimated the following revenues will be available to the Special Revenue Fund for the fiscal year beginning October 1, 2022, and ending September 30, 2023:

Community Redevelopment Agency	\$0
Revolving Loan Fund	0
Total Revenues	\$0

Section 9. The City of Apalachicola Fee Schedule for FY 2022-2023, (to be) attached, is hereby incorporated into this annual budget ordinance, and such fees shall become effective on October 1, 2022 or when other specified ordinances become effective.

Section 10. This ordinance is published in the December 29, 2022 issue of *The Apalachicola Times*. The first reading of this ordinance was held at the first public hearing on September 14, 2022 at 5:01 PM. The final public hearing at a regular meeting was held on January 3, 2023 at 5:30 PM at the Apalachicola Community Center, 1 Bay Avenue, Apalachicola, Florida.

Section 11. The estimate upon which said budget for the 2022-2023 Fiscal Year is based, is on file for inspection by the public at the office of the City Clerk. The millage rate is being set at 8.3457 mills.

Section 12. This Ordinance shall take effect immediately upon its becoming Ordinance as provided by the City Charter of the City of Apalachicola, Florida.

This Ordinance was read and adopted on January 3, 2023. Motion to adopt Ordinance made by

Commissioner _____, second by Commissioner _____.

Voting Aye:

Voting Nay:

**FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA**

ATTEST:

Brenda Ash, Mayor

Deborah Guillotte, City Clerk

Resolution 2022-06

A RESOLUTION OF THE CITY OF APALACHICOLA, FLORIDA ADOPTING A MILLAGE RATE FOR THE LEVY OF AD VALOREM TAXES FOR FISCAL YEAR 2022-2023 ON ALL TAXABLE PROPERTY LOCATED WITHIN THE CITY OF APALACHICOLA, SETTING A TENTATIVE BUDGET HEARING DATE, TIME AND PLACE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Franklin County Property Appraiser has certified the quantity of taxable property within the City of Apalachicola for Fiscal Year 2022-2023; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within the City of Apalachicola has been certified by the Property Appraiser as \$204,064,603 and

WHEREAS, the City Commission of the City of Apalachicola adopts a tentative millage rate and sets a tentative budget hearing in order to comply with the Truth in Millage (TRIM) Law.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF APALACHICOLA, the following:

1. The City Commission hereby approves a millage rate of 8.3457 for ad valorem taxation within the City of Apalachicola, Florida for the 2022-2023 fiscal year.
2. The date for the final budget hearing is hereby set for January 3, 2023, at 5:01 p.m. or as soon thereafter as possible, at the Community Center Meeting Room, at 1 Bay Avenue, Apalachicola, Florida.
3. This Resolution shall take effect immediately upon its adoption.

READ, APPROVED AND ADOPTED, this the 3rd day of January, 2023.

ATTEST:

Deborah Guillotte, City Clerk

Brenda Ash, Mayor