

A Regular Meeting of the Apalachicola City Commission was held on Tuesday, January 3, 2023, at 4:00 PM at the Apalachicola Community Center, 1 Bay Avenue.

Present: Mayor Brenda Ash, Commissioner Adrian Elliott, Commissioner Anita Grove, Commissioner Despina George, City Manager Travis Wade, City Attorney Dan Hartman, Chief of Police Bobby Varnes, Finance Director Mark Gerspacher, Planning & Zoning Bree Robinson, Lee Mathes

Regular meeting called to order by Mayor Ash followed by Invocation and Pledge of Allegiance.

AGENDA ADOPTION

Motion to adopt agenda made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

PRESENTATION – SOUTHERN GROUP – KATE DELOACH

Kate DeLoach, via telephone, gave update on bill drafting status and legislative schedule. Ms. DeLoach stated that general language has been used in the draft form of the bill and meetings will have to be held between the Commission, Lobbyists, and Sponsors before it goes before the legislation.

City Manager Wade stated that it was recommended by Representative Shoaf that the City present the same projects as last year at the same amount.

PRESENTATION – PARKS & RECREATION COMMITTEE – DONNA INGLE

Donna Ingle gave update on progress made by the Parks & Recreation Committee stating that Lafayette Park, the Dog Park, and Riverfront Park receive public/private resources for upkeep. The Committee recommends Veteran's Park, Scipio Creek Pavilion, and Marks Park receive resources to begin to approach their full potential.

Mayor Ash stated she has not seen any minutes from any of the meetings, and there appears to be no point of contact from the City. No plans can be developed without a point of contact with the City.

Motion for continued support for Lafayette Park, the Dog Park, and Riverfront Park and improving Veteran's Park, Scipio Creek Pavilion, and Marks Park and plans be brought back before the Commission made by Commissioner Elliott.

Commissioner Grove stated she doesn't feel a motion is needed at this point, but a Commissioner should be appointed as a liaison on the Committee for the City.

Commissioner Elliott withdrew motion.

Commissioner George stated all committees should update the Commission on their progress and should have direct communications with City Manager Wade.

Motion to appoint Commissioner George as City Liaison to Parks & Recreation Committee made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

PUBLIC COMMENT

Lynn Wilder – Ms. Wilder announced that a Keep Franklin County Beautiful meeting will be held on January 11th at 5:00 PM at Holy Family.

DEO CPTA GRANT – BID AWARD

Motion to award OVID Solutions with Bay Media Services a contract for DEO Community Planning Technical Assistance & Grant Administration made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

STORMWATER AVENUES BID AWARD

Motion to authorize City Staff to award task order for professional services solicited under RFQ 2022-02 (Avenues Stormwater Repair Project) to Dewberry Engineers, Inc. contingent upon successful contract negotiation and funding agency review made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

ELEVATED WATER TANK AWARD

Motion to award the contract to Five-12 Painting and Remodeling to perform the required/maintenance on elevated water tank made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

Commissioner Elliott stated once this project is completed, then this item will be removed from the consent order.

JULY 3RD EVENT DISCUSSION

Mayor Ash stated that Main Street has approached the City in taking over facilitating the annual July 3rd event and if the Commission approves, the transition will begin in January. A Main Street representative will work with staff in providing all pertinent information needed to run the event successfully.

Attorney Hartman stated the City should not directly solicit monies for the event, but should consider seeking a partner such as a nonprofit organization.

Commissioner George stated this item should probably be tabled until the City can have discussions with potential nonprofit partners such as the Chamber of Commerce.

Commissioner Grove stated she agrees that the City should partner with a nonprofit organization.

Commissioner Elliott stated she is in favor of the City taking over this event, and feels the Chamber of Commerce would be an excellent partner. Commissioner Elliott stated she would be happy to take the lead on this and would keep the Commission informed.

Mayor Ash stated all the logistics can be worked out during the planning stage, but the transitioning needs to begin now so all the needed information can be collected. Mayor Ash stated the City overseeing the July 3rd event is what is on the table at this time.

Discussion held.

Motion to authorize City Staff to work with Main Street to transition July 3rd Event and partner with another nonprofit organization made by Commissioner Elliott. Motion died for lack of second.

Discussion continued.

Motion to authorize City Staff to transfer July 3rd Event to another nonprofit organization made by Commissioner Grove, seconded by Commissioner George. Motion failed 2 to 2 with Mayor Ash and Commissioner Elliott voting nay.

Discussion continued.

Motion to authorize City Staff to facilitate in getting the information, and assist in the transition so the event can move forward made by Commissioner Elliott, second by Commissioner Grove. Motion carried 3 to 1 with Commissioner George voting nay.

GHOST WALK EVENT PERMIT APPLICATION – ROYCE ROLSTAD

City Manager Wade stated that Royce Rolstad applied for an event permit for a ghost tour through Chestnut Cemetery on January 13th and 14th, and February 24th and 25th, 2023 from 6:30PM until 9:30PM. An admission fee of \$10/person is charged, and event is not being hosted by a nonprofit 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 has a ghost walk through Chestnut Cemetery annually, but the proceeds are used to benefit cemetery preservation.

Commissioner George stated she doesn't feel this qualifies as a special event and asked why the City would want to stop the tours.

City Manager Wade stated there are no guidelines relating to holding for profit events in City cemeteries and feels it might set a precedence for other private companies to follow suit.

Commissioner Elliott stated if Chestnut Cemetery is unsafe after dark then it is probably unsafe in the daytime as well; if Cemetery is safe then tours should not be denied. Commissioner Elliott stated perhaps an agreement should be put in place between Mr. Rolstad and the Historical Society.

Attorney Hartman stated the City does allow the use of public spaces and legally there isn't anything preventing the tours. Insurance would need to be provided and a special permit would have to be provided.

Mr. Rolstad stated that during the summer months the tours were over by dark, and if other groups are allowed to host events in the Cemetery, then it should be open to other groups as well. Mr. Rolstad stated he will provide proof of insurance and ghost tour route.

Discussion held.

Motion to approve ghost tour dates as outlined contingent upon the City being named as a covered party on the insurance policy made by Commissioner Elliott, seconded by Commissioner George with discussion.

Discussion continued.

Motion failed 1 to 3 with Mayor Ash, Commissioner Grove, and Commissioner George voting nay.

Motion to approve event permit for either January 13th and 14th or February 24th and 25th made by Commissioner George, seconded by Commissioner Elliott with discussion.

Discussion continued.

Motion failed 2 to 2 with Mayor Ash and Commissioner Grove voting nay.

JAMES FROST LAND OFFER

City Manager Wade stated James Frost and his family own approximately one acre parcel of land located at 217 Cottage Hill. There is approximately a .10 acre parcel that is contiguous with Mr. Frost's land. Mr. Frost would like to purchase the .10-acre parcel as it is an unbuildable lot and can only be utilized by the adjacent property in which he owns. Mr. Frost's offer is \$1,250.00.

Motion to approve the sale of the .10 acre parcel located adjacent to 217 Cottage Hill for \$1,250.00 made by Commissioner Elliott, seconded by Commissioner George. Motion carried 4 to 0.

WORKFORCE HOUSING PROPOSAL

City Manager Wade stated the City owns several unimproved parcels on 24th and 25th Avenues and is proposing the City clear four lots to be rented for mobile home lots. Ideally 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 be drafted to insure proper management of the properties. Planning & Zoning would have to approve the mobile home permits, and the Commission would have to approve to spilt the parcel into individual buildable lots.

Discussion held.

Motion to direct City Manager Wade to proceed with creating a workforce housing proposal to be presented at February or March meeting and have rental agreement available for review at that time made by Commissioner Elliott, seconded by Commissioner George. Motion carried 4 to 0.

ARBOR DAY PROCLAMATION

Attorney Hartman read proclamation in its entirety.

Motion to approve Arbor Day Proclamation made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

TREE COMMITTEE NEW MEMBER

Motion to appoint Rebecca Stafford to the Tree Committee made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

REQUEST APPROVAL FOR SETTLEMENT AGREEMENT IN CASE #2018CA233

Attorney Hartman reviewed the case regarding Hale Smith, Richard Hall, and the City. Attorney Hartman stated if the Commission did not approve the settlement agreement then the case would go to trial in about 4 months.

Discussion held.

Motion to approve settlement agreement in Case #2018CA233 made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

MAYOR & COMMISSIONER'S COMMENTS

Comments included monthly financial reports to Commission, upcoming legislative meeting at Courthouse, update on old Library for meeting space, Scipio Creek temporary dock repairs, slip rental collections, and upcoming January community events.

CITY MANAGER COMMUNICATIONS

City Manager Wade stated he met with engineers regarding the placement and new upgrades for the new WWTP.

Mayor Ash asked about the \$300,000 grant for the stormwater system.

City Manager Wade stated an engineer has been assigned, but no contractor has been assigned yet.

GRANTS COORDINATOR COMMUNICATIONS

See attached report – Attachment A

FINANCE DIRECTOR COMMUNICATIONS

Mark Gerspacher stated FY 20-21 audit is almost completed, and will need to hold a special meeting sometime in January to approve the audit.

ATTORNEY COMMUNICATIONS

See attached report – Attachment B

CONSENT AGENDA

Motion to approve consent agenda made by Commissioner George, seconded by Commissioner Elliott.
Motion carried 4 to 0.

DEPARTMENT REPORTS

Available for review in meeting packets.

ADJOURNMENT

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

Brenda Ash, Mayor

Lee Mathes

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 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. 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 Budget Public Hearing and Budget Special Meeting of the Apalachicola City Commission was held on Tuesday, January 3, 2023, at 5:30 PM at the Apalachicola Community Center, 1 Bay Avenue, Apalachicola, Florida.

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

Absent: Commissioner Donna Duncan

Public Hearing opened by Mayor Ash.

Mayor Ash read the following statement:

City of Apalachicola 2022-2023 Fiscal Year Budget Information:

General Fund: \$6,222,630

Enterprise Fund: \$3,915,927

Total Budget: \$10,138,557

Proposed Millage Rate: 8.3457

Rolled Back Rate: 8.3457

The second public hearing and special meeting for final adoption of the 2022-2023 fiscal year budget will be held on Tuesday, January 3, 2023 at 5:30 PM in the Apalachicola Community Center, #1 Bay Avenue.

No public comment.

Public Hearing closed and Special Meeting opened by Mayor Ash.

Motion to approve Resolution 2022-06 adopting the 2022-2023 Fiscal Year millage rate of 8.3457 made by Commissioner Grove, second by Commissioner Elliott.

Motion carried 4 to 0.

Voting Aye: Elliott, George, Grove, Mayor Ash

Voting Nay: None

Motion to approve Ordinance 2022-02 adopting 2022-2023 Fiscal Year Budget made by Commissioner Elliott, second by Commissioner Grove.

Motion carried 4 to 0.

Voting Aye: Elliott, George, Grove, Mayor Ash

Voting Nay: None

No further business, special meeting adjourned.

Brenda Ash, Mayor

Lee Mathes