

MINUTES OF THE REGULAR MEETING OF THE APALACHICOLA CITY COMMISSION HELD TUESDAY, NOVEMBER 8, 2022, 4:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

PRESENT: Mayor Brenda Ash Travis Wade, City Manager
Commissioner Anita Grove Deborah Guillotte, City Clerk
Commissioner Adrian Elliott Dan Hartman, Attorney
Commissioner Donna Duncan
Commissioner Despina George

CALL TO ORDER

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

AGENDA ADOPTION

Commissioner Anita Grove made a motion to adopt the agenda with the following deletions and additions: 1) removing Presentation – Item 2 – Southern Group – Kate Deloach; 2) removing New Business – Item 1 – National Park Service Grant construction award re: HCA building; and 3) Adding – New Business – Item 4 – Approval of Boat Travel Lift Repair estimate for expenditure. Commissioner Adriane Elliott seconded, and the motion carried 5-0.

PRESENTATION - 1. FLORIDA HOUSING COALITION – GLADYS COOK

Gladys Cook gave a partial presentation on the Florida Housing Coalition on affordable housing and how to proceed but was discontinued due to technical difficulties.

PRESENTATION - 2. SOUTHERN GROUP – KATE DELOACH

This presentation was rescheduled to be held at the December meeting.

PUBLIC COMMENT

Public comments consisted of the following: 1) Disapproval of the Palmer Pointe Final Plat Approval. The concerned citizens had specific requests and suggestions before approval of the final project by the Commission and asked that it be postponed.

UNFINISHED BUSINESS – 1. PALMER POINTE FINAL PLAT APPROVAL

(Quasi-Judicial Hearing)

Attorney Dan Hartman gave a review of the order of presentation of the Palmer Pointe Project, as requested by Mayor Ash.

The Palmer Pointe Representatives presented their project and requested approval of the final Plat with contingencies. Warranties and bonding discussed. Items that would not be completed before approval, sign off, and recording of the final plat were discussed, stating the entire amount for the upsized culvert and second lift of asphalt will be escrowed, plus 25% of what it costs to do this. Bree Robinson reviewed the three contingencies: 1) labeling errors noted on the final plat review from CDG the city's engineer, have been met in the corrected final plat; 2) the final fourteen foot utility drainage easement for stormwater dedicated to the city on the Eastern side of the property, have been met; and 3) installation of a upsized culvert at the chokepoint the end of Acola Street, southeastern corner of the development between the two easements between this property and the Bay Colony easement, have not been met, but is being coordinated at this time. In response to a question by Attorney Hartman, Bree Robinson stated that staff's (Planner and Engineer) opinion of the application of Palmer Pointe met with the City's code requirements and when contingencies are met, that Plat should be approved.

The concerned citizens discussed and showed a video of the stormwater and easement issues. Discussion and questions held with the Commission, Attorney, Representatives of Palmer Pointe and concerned citizens. Commissioner Grove had concerns of the parking of boats, trailers, and extra vehicles. In response to a question by Mayor Ash, Attorney Hartman stated that all legal matters (code requirements) have been met by the Palmer Pointe Project.

Commissioner Elliott made a motion to approve the Palmer Pointe final plat subject to the unsatisfied conditions that have been outlined by Planning and Zoning, and satisfaction of the escrow funds plus the 25% for the upsized culvert and the second lift of asphalt. Commissioner Duncan seconded, and the motion carried 5-0.

UNFINISHED BUSINESS – 2. HEIGHT RESTRICTION ORDINANCE DRAFT

Attorney Hartman reviewed past workshop discussions and how to enhance changing the height restrictions, and suggested we move forward with the 3 + 1 vote, to stop height increase over 35 feet.

Commissioner Elliott made a motion to move forward with the first reading of the proposed Height Ordinance 2022-02 at the December meeting. Commissioner George seconded and the motion carried 5-0.

**NEW BUSINESS 1. NATIONAL PARK SERVICE GRANT CONSTRUCTION
AWARD RE: HCA BUILDING**

Removed from Agenda.

NEW BUSINESS - 2. ENGINEERING AWARD – CDBG-DR

Commissioner Grove made a motion to authorize city staff to enter into contract negotiations with Halff, CDG, and Dewberry (the three highest ranked firms) for professional services solicited under RFQ 2022-02. Commissioner George seconded and the motion carried 5-0.

Commissioner Grove made a motion to award contracts for the services described in RFQ 2022-02 upon successful contract negotiation. Commissioner Elliott seconded and the motion carried 5-0.

NEW BUSINESS - 3. SMALL BUSINESS SATURDAY PROCLAMATION

Commissioner Grove made a motion to approve the Small Business Saturday Proclamation for Saturday, November 26, 2022. Commissioner Elliott seconded the motion carried 5-0.

NEW BUSINESS – 4. APPROVAL FOR BOAT LIFT REPAIR

Manager Travis Wade stated that the City’s boat lift is broken and requested expenditure in the amount of \$25,937.64 to repair the boat lift. In a response to a question by Commissioner George, Finance Director Mark Gerspacher stated it would come from the facilities reserve fund.

Commissioner George made a motion to approve subject to payment being contingent on receiving the invoice directly from Travel Lift and verified by our finance department. Commissioner Grove seconded and the motion carried 5-0.

MAYOR AND COMMISSIONER COMMENTS

Commission comments consisted of the following: 1) volunteer fire communications equipment issues in the process of being updated; 2) old library moving forward with repairs for future commission meetings; 3) encroachment workshop to be scheduled in January; 4) election change to general election with the County – Attorney Hartman will move forward with details; 5) Attorney Hartman a list of outstanding projects; 6) Holy Family repairs and renewing ECCC agreement; 7) Apalachicola Bay Initiative Systems Committee update; 8) requested monthly drinking water system and expenditure updates; 9) moving forward with the revolving loan for Mount Zion Church for roof repair; 10) Lafayette Park events issues and not allowing receptions and music at the park; 11) update on the local technology planning team (LTPT) and expanding broadband access; 12) the commission should tour WWTP and spray fields.

CITY MANAGER COMMUNICATIONS – Travis Wade - SEE ATTACHMENT “A”

GRANTS COORDINATOR COMMUNICATIONS – Bree Robinson - SEE ATTACHMENT "B"

FINANCE DIRECTOR COMMUNICATIONS – Mark Gerspacher - SEE ATTACHMENT "C"

ATTORNEY COMMUNICATIONS – Dan Hartman - SEE ATTACHMENT "D"

CONSENT AGENDA

1. Meeting Minutes Adoption – October 4, 2022, Regular Meeting and October 11, 2022, Special Meeting Minutes
2. P&Z Minutes – October 10, 2022

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

DEPARTMENT REPORTS

ADJOURNMENT

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

Brenda Ash, Mayor

Deborah Guillotte, City Clerk

City Manager Updates

FDEP Compliance Updates:

Drinking Water - On Sept 19, we (via our Mayor, myself, Rep Shoaf's office, and Dewberry) participated a face to face meeting with DEP here in our offices to discuss remaining action needed for DEP to be able to declare the water system has returned to compliance. The Department is willing to minimize items in Consent Order to only those items that remain open when they present the draft order. DEP also shared their willingness to consider waving penalties if we conduct the remain work on-time.

We left that meeting with two action items. 1) all backflow devices in the City must up to date with the required testing and 2) the maintenance of the elevated water storage tank on 5th Street must be completed.

For item #1, It's important to know that currently the testing of the backflow devices is the responsibility of the customer and the devices are required to protect our water distribution system. We take backflow devices very seriously and we must know that all devices are working properly. Staff routinely notifies all customers with backflow devices that testing must be completed and then we follow-up with delinquent notices. Because the safety of our system is of utmost importance, and because it is challenging for customers to conduct the testing on-time, I will be proposing a policy by which the City would secure a contractor to test all backflow devices and the testing fee be added to customers' water bill. This would ensure that testing is completed as required by rule, that our distribution system is protected, and would resolve testing compliance concerns with DEP.

For item #2, The RFP for the elevated tank rehabilitation has been drafted and will be published this week. Not only will the tank have a fresh exterior, but the interior will also be cleaned and recoated.

We remain under an active drinking water consent order for TTHMs. Our monthly testing continues, and we report quarterly results to DEP. The averages are greatly improving; however, it takes time for the running annual average to drop below the regulatory limit. We expect future results will continue to be favorable and soon the annual average will be in-compliance. We look forward to DEP being able to close out the TTHM consent order, perhaps even at the end of this year or early next year.

WWTP - The wastewater final order requires the total replacement of the headworks and Sequencing Batch Reactor (SBR) which will only occur when the new plant is constructed. The final order will remain open until the construction of the new plant is complete.

Positions:

Advertisements for Grants Coordinator, Code Enforcement, Library Assistant, WW/DW Field Crew, and WW Operator positions are currently advertised.

Code Enforcement Officer Glen Jenkins turned in his notice and will be leaving on December 30. Melissa Hand resigned to take a position with the State of Florida in Tallahassee. Sheneidra Cummings has been reassigned to Melissa's position and is currently training to replace Janelle Paul in utilities billing upon her retirement next year.

Gibson Preconstruction Meeting:

A preconstruction meeting was held with City staff and Gibson employees/contractors on October 20 to discuss construction of the new addition to the Gibson properties. This will be located at the corner of Highway 98 and Avenue D (the former site of Oyster Bones). During the conversation I offered to facilitate a "town hall" meeting at the Community Center on November 16 for the construction team to take questions from the public. The team was very receptive to the idea and agreed to notify property owners by mail of the meeting. However, I was notified that some members of the team have a scheduling conflict and will be unable to attend the meeting that day but wish to reschedule it to another day. I will post the date to the City's Facebook page and website, and will notify the Commissioners by email, as soon as a date is agreed upon.

Duke Energy New Tower:

I met with a representative of Duke Energy to find a location for a new tower to replace the tower located on Commerce Street between Avenues G and I. I have suggested that the City could possibly trade part of the Avenue H right-of-way between Market Street and Commerce Street for 5 acres owned by Duke Energy located outside of the City limits but contiguous to the City limits and the City's 95 acre parcel on Pal Rivers Road. The 5 acre parcel owned by Duke Energy would be an ideal location for a workforce housing project. Duke Energy is agreeable to the swap if their environmental study finds the property to be feasible, and with City Commission approval. Additionally, Duke Energy has agreed to donate the old tower to the City after its removal and I have contacted members of the group working with the new Buddy Ward Memorial Reef to coordinate a donation of the tower materials for reef structure by the City.

Leslie Street:

The FDOT SCOP Grants award confirmation has been received, but we are still awaiting an agreement.

Downtown Signs:

Downtown business directional signs were installed by Public Works last week directing pedestrians to shops on Commerce Street and Water Street in the Bowery District. The signs are located on Ave E at Water Street and Ave E at Commerce Street.

Grant Updates – Bree Robinson

City Commission Meeting – Tuesday, November 8, 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 - Special Category grant request for additional funds for City Hall will be considered soon. The original DHR grant review meeting date of September 28 was postponed to November 16 due to the hurricane. We should know within a couple of weeks if this project has received the requested funding.**

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 COMING SOON**

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.

11. HMGP – Backup Generator for Vacuum Station (108 Avenue F)

Grant application was submitted for \$170,000 for a new backup generator. (Current in use is too small for need.) Had to apply for a portable generator instead of stationary, as they will not fund for a stationary one in a flood zone. Multiple RFIs (requests for information) were received and answered. **Still waiting for updates.**

12. 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 11/3 – the bids received and ranked were over-budget for Old City Hall, we are holding off on this award until we receive guidance from NPS on how to proceed! HCA Award in on the agenda 11/8.

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.**
- 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. - Recommendation to enter contract negotiations is on the agenda for 11.8.2022.**
- 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. **Recommendation to enter into engineering contract negotiations is on the agenda for 11.8.2022.**
 - 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.
- 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.
- 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. TME is working on RFQ for Engineers to start the design.

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.
- ii. **Scipio** – Designs from Dewberry draft complete – waiting for full. Waiting for scope verification from FEMA to bid out.
- iii. **Alleyway Repairs** – Alleyway: 3, 7, 9, 8, 10, 11, 6, 2, 5, 12, 4 Crushed Shells to be replaced. Extensions requested for all FEMA projects – extension granted.
- iv. **Old City Hall and HCA Contents loss** – Ordering replacement items from loss. (Funding already received – just needs to be ordered and receipts turned in.) Partially ordered – postponing ordering of remaining items until back room flooring of City Hall complete to place items in.
- v. **Lafayette Park** – 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!
- vi. **Hurricane Sally** Almost all Sally projects are completed and finalized. TME is uploading receipts to finish.
- g. **DEP – WWTP Tank Cleaning** –WORK COMPLETED! Filed for reimbursement of funds, \$116k, on 7/24/22. **FUNDS RECEIVED!** Project closed.
- h. **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.

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. Engineering services for this project will utilize a firm selected from the Engineering RFQ that is currently public and also being used for CDBG-DR efforts. -Recommendation to enter contract negotiations is on the agenda for 11.8.2022.**

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.

Vulnerability Study-

Grant #1 Vulnerability Study – **FUNDED! Contract signed with Bay Media and research, data collection has begun. Need to schedule a public workshop or at least an item on the city commission agenda (next month?) to update board on work accomplished during first analysis and update on what will occur with this update of the study. That is the first deliverable of the grant – to hold a public meeting about the update.**

15. USDA Water Street Sidewalk and Lighting –

Construction by CWR Contracting, Inc. is in progress! Have made first payment and are filing for reimbursement.

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 November 3rd, 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 –November 8, 2022 – 4:00pm

1. 2020 – 2021 Audit

The audit for Fiscal Year 2020 – 2021 should be complete in the next two weeks with a draft report. A final report will be ready for approval at the next commission meeting. Once complete, we will go straight into the 2021 – 2022 audit which will put us back on schedule.

2. Banyan

The technical issues with Banyan have been worked out and we can now move into the implementation phase. We will be working on the chart of accounts in the next week and then move into conversion and training. Anticipated implementation date is January 1.

3. RFP for Elevated Tank Coating

We will be sending out an RFP for the coating of the elevated tank next week.

ATTORNEY REPORT

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

1. **Supplement to Procurement Policy**

This is still ongoing and is anticipated to be ready for review during the December 2022 Commission Meeting.

2. **Litigation – Butler, Cameron, Hall - Resolved**

The City was sued in three related cases - two wrongful death and one personal injury cases. Case No.(s): 2014 CA 298 – Estate of Cameron; 2015 CA 15 - Estate of Hall and 2016 CA 246 - Butler. The Commission approved the settlement amount in return for settlement/release and dismissal of the cases at the September 6, 2022 meeting. The settlement/release has been executed and is attached to this report. The City's approved contribution towards the settlement amount is \$75,000.00, the balance being provided by our insurer. I will advise when the dismissals have been filed.