

A Regular Meeting of the Apalachicola City Commission was held on Tuesday, March 7, 2023 at 4:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

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

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

AGENDA ADOPTION

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

PUBLIC COMMENT

David Levick – Mr. Levick presented illustrations on how City could repurpose the old Apalachicola Times building on Water Street.

Mayor Ash recommends Mr. Levick meet with City Manager Wade to discuss matter further.

EXPENDITURE REQUEST FOR WELL #6

City Manager Wade stated the pump and lines need cleaning for well #6. Estimated cost is \$40,300, and sole source form has been provided. City Manager Wade stated after this cleaning, he will explore the options of a maintenance cleaning contract.

Mayor Ash stated she would like to see a maintenance schedule to be presented to the Commission.

City Manager Wade stated well maintenance will be included within the Capital Improvement Plan.

Motion to approve Rowe Drilling expenditure at an estimated cost of \$40,300 to clean pump and lines on well #6 made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

FORGOTTEN COAST FITNESS & WELLNESS LEASE

Discussion held concerning proposed rental rate (price per square foot) and that it includes power and water.

Motion to approve Forgotten Coast Fitness and Wellness Center, Inc. lease agreement with the following rental amounts: Year 1 - \$800/month; Year 2 - \$1,000/month; Year 3 - \$1,100/month; Year 4 - \$1,200/month; Year 5 - \$1,200/month with option for tenant to renew lease for three subsequent one year periods at the same rate with a 5% increase each renewal term made by Commissioner Grove, seconded by Commissioner Elliott.

Attorney Hartman stated lease terms are different in the other leases.

Mayor Ash stated the City should be uniform in all the lease agreements.

Motion carried 4 to 0.

ENGINEERING AWARD RECOMMENDATION – MARKET ST. VACUUM STATION

Motion to approve award to Madrid CPWG for the Market St. Vacuum Station Engineering made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

BLACK HISTORY TRAIL – LOCATIONS & HISTORY NARRATIVES APPROVAL

Motion to approve of sites and narratives for the signage creation of the Black History Trail, contingent upon Citizen/City comments taken from workshop and historian comments, after his review is complete, being taken into account made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

MAYOR AND COMMISSIONER COMMENTS

Mayor and Commissioner comments consisted of the following: Triumph funding and proposed projects; Commerce Street traffic pattern; Lowering speed limit in downtown areas; Installation of caution blinking lights at pedestrian crosswalks on Hwy 98; Commission applauded Water & Sewer Department for their hard work in getting City out of consent order; Signage at boat ramp alerting boaters of launch fees; Underage golf cart drivers; Outlook email delivery problems; Yard trash and fines; and possibility of SOE office moving to Eastpoint.

CITY MANAGER COMMUNICATIONS

Report Attached.

Discussion held concerning SOE office occupying Harbor Master House and mold remediation for Harbor Master House, Franklin County Head Start will be moving out of the 6th Street Recreation Center at the end of this school year, Air Stream rally at Battery Park, old Library roof quotes, and pickleball striping at 6th Street tennis court.

GRANTS COORDINATOR COMMUNICATIONS

Report Attached.

FINANCE DIRECTOR COMMUNICATIONS

Report Attached.

ATTORNEY COMMUNICATIONS

Report Attached.

Attorney Hartman stated he needs Commission authorization for initiation of legal proceedings if necessary on a number of code enforcement matters that remain in non-compliance.

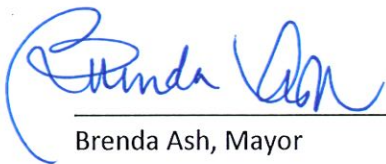
Commission approved for Attorney Hartman to move forward with legal proceedings if necessary on code enforcement issues.

CONSENT AGENDA

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

ADJOURNMENT

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



Brenda Ash, Mayor



Lee Mathes, Assistant City Clerk

City Manager Updates

FEBRUARY 2023

Tennis Courts:

The Parks and Recreation Committee met in January and discussed the possibility of a new pickleball court next to the skate park and/or adding striping to the 6th Street tennis courts to allow pickleball. Mick Barlament and members of a group interested in adding pickleball researched companies and gathered quotes that were presented to the Parks and Rec Committee in February. The quote for 3 new asphalt pickleball courts was \$143,750, and the quote to add stripes to the 6th Street court was \$1,100. Adding the stripes to the court will not prevent tennis from being played as well. I will get two more quotes for the striping and have the stripes added to the 6th Street court.

Legislative Update:

Kate DeLoach (Southern Group) and I met with several State Representatives and Committee staff members in Tallahassee in February to discuss the ACSC Stewardship Act. Kate and I both felt that the meetings were very positive and that we received support from all of the people we met with. We have more meetings scheduled during the Legislative Session, which will begin on March 7, 2023.

Old Library/Meeting Room:

I met with representatives from Howard, a group that specializes in equipment for meeting rooms, to get a quote for recording equipment for the new meeting room. It has been several weeks and I still have not received a quote.

Consent Order Updates:

The TTHM Consent Order has been closed out after samples from the last quarter reported lower than the state mandated maximum contaminate levels. FDEP will require the City to continue monthly THM testing for one year and after that the testing schedule will reduce to quarterly. The other Drinking Water Consent Order will be closed out upon the completion of the recoating project on the water tower. That work should be completed in the next few weeks.

WWTP:

I met with Dewberry engineers and their subcontractors to discuss the engineering for the new WWTP. Design will begin soon and construction should begin as soon as March 2024. The goal expressed to the engineers is to provide as much automation as possible and that the plant will contain equipment that will be easily maintained.

Ethics Training:

It has been a concern of mine for some time that committee members have not been given any training regarding the requirements of the Florida Code of Ethics and/or the Florida Sunshine Law. I have spoken with the Executive Director of the Florida Commission on Ethics, and she agreed to send a staff attorney to provide the City Commission, members of all City Committees, and any interested staff and/or citizens with two hours of ethics training. City Attorney Dan Hartman has agreed to provide two hours of Florida Sunshine Law and Public Records training. This four hours will comply with the state requirement for elected officials if any Commissioner has not already taken the training online. I spoke with Carrabelle Mayor Brenda LaPaz, who stated that members of the Carrabelle City Commission may be interested in attending as well. Obviously there will be public notice requirements that must be adhered to. I would like the Commission to select a date that is convenient for everyone in late April or May and I will reach back out to the Commission on Ethics to schedule.

Grant Updates – Kendall Falkner

City Commission Meeting – Tuesday, March 7th, 2023

1. Florida Department of Transportation (DOT) – 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. Our representative from FDOT said to expect the agreement in 2023 before the funding window opens. Waiting for agreement from FDOT.

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. Firehouse Subs Public Safety Foundation – Hurst Rescue Tools "Jaws of Life"

An application requesting Jaws of Life rescue tools for the Apalachicola Volunteer Fire Department was submitted. 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. **Waiting for updates**, have been advised that most projects are funded by Firehouse Subs after 3+ complete applications. We have filed 4 so far. (1/31)

- **APPLIED again for 2023 Q1 on 1/12/23 in the amount of \$37,880.00 – will hear back in early April. If not funded, will apply again and look for other funding sources for the Jaws of Life equipment for VFD.**

5. 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!**

6. 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
- **2/7/23 – Bid Award Recommendation to Dewberry Engineers. (Wrote the quote used to apply for this funding and are working on City consent orders, which this project will go hand in hand with.)**
- **Bid Award Agreement passed on 2/7/23. Moving forward with Dewberry Engineers. Task order has been signed, project underway!**

7. 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!**

8. 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.**
- **OVID Solutions w/ Bay Media Services as a subcontractor was awarded the bid recommendation and contracts were executed. OVID + Bay Media have begun working and a workshop for this effort is scheduled 2/7/23 for a comp plan update and OVID (Julie Dennis) is working on the ACSC Plan and has been meeting with staff for needed details.**
- Bay Media has completed a draft of recommended comp plan changes and will present at March 7 workshop with City Commission and March 13 with Planning and Zoning
- **Comp Plan scheduled for 3/7.**

9. 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.
- **1/31 – New grant coordinator has taken quiz for first deliverable and is creating procurement documents for Architecture, Design, Permitting, & Engineering of the new building. We expect to begin procurement in February and this will be out to bid for 28 days.**
- Documents for Architecture, Design, Permitting, & Engineering RFP completed. RFPs are currently posted to our City Website, advertised in The Apalachicola Times and Tallahassee Democrat. Bids will be received until March 16, 2023, 3PM.

10. 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) FDEM stated that this agreement was in the contracting phase. Once we get the agreement executed, we will let the ITB. The ITB was submitted to DEO to approve for advertising. Hoping to get the go ahead this week. The overall timeline is 59 weeks now. The Workplan for DEO has been updated to reflect the timeline. Amendments with FDEM will be completed and letters will need to be sent to DEO. (1/31/23) Once the agreement is received we will let the ITB.

11. 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**

The City submitted payment requests and has been paid for the first set of deliverables on each project.

HCA – City readvertised the project based on procurement regulations and, based on submittals, selected Oliver Sperry Renovation and Construction, Inc, (Tallahassee) to complete the work. Preparation of contract is pending receipt of preservation experience documentation and DHR approval of contractor. Staff will seek an extension for this project from DHR.

City Hall – City rejected both bids received on round two of RFP because estimated costs exceed amount of funding. City is preparing change of scope to submit to DHR and revising deliverables to better fit amount of funding available.

Once approved, City will readvertise RFP for work. Staff will seek an extension for this project from DHR.

12. 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!**
 - iv. **Waiting for re-plant in 2023 per contract warranty.**
- b. **CDBG-DR Infrastructure** – Avenues Stormwater Repair Project (M0016) 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. Recommendation to execute contract and award task order for this project was on the 01.03.2022 agenda, subject to DEO review/approval. DEO comments received on 1.31.2023 – sent to City Counsel for assistance in addressing.
 - iii. All comments from DEO have been addressed. DEO authorized execution of the engineering services agreement on 02.13.2023; the continuing services agreement with Dewberry was executed on 02.24.2023
 - iv. Met with DEO via Teams meeting along with Grant Administrator from Gouras and Associates. We are waiting for the task order from Dewberry and pushing Engineering and Environmental status by end of week (Friday March 3, 2023).
- 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. It was reviewed and we are currently working to address DEO comments. The city is 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.** The draft contract was submitted for DEO review. DEO has requested a draft task order for this project prior to execution. The engineer is currently preparing the task order.
 - 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. The contract 7 has been reviewed by DEO and we are currently working to address DEO comments. **Halff Engineering was selected for this project; the contract is currently under review with city attorney.** The draft contract was submitted for DEO review. DEO has requested a draft task order for this project prior to execution. The engineer is currently preparing the task order.
- 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) The ITB was submitted to DEO to approve for advertising. Hoping to get the go ahead this week. The overall timeline is 59 weeks now. The Workplan for DEO has been updated to reflect the timeline. Amendments with FDEM will be completed and letters will need to be sent to DEO. (1/31/23). The template ITB was approved. We are working on the individual ITBs now. DEO will have to approve. Once we receive approval, the ITB will be advertised and a contractor will be selected.

- e. **HMGP Market Street Vacuum Station M0016** - 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 2/2/23 and award date of 3/7/23!**
- No bids were received, so we had to extend and re-advertise. A contract will be let with the selected engineering firm. An extension with FDEM was submitted in mid January. (1/31/23)
 - **Engineer Award being presented 3/7!**
 - Bids were received and a contractor was selected. Working on the contract for execution. The council is to award on 3/7 with a contract execution occurring during March.
- 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. Project is still in EHP at FEMA (1/31/23). No movement on the FEMA side.
 - 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. Project is still in EHP at FEMA (1/31/23). No movement on the FEMA side (2/2/23).
 - 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 such as gravel, lime rock, asphalt millings, etc.

Scope will have to be changed with FEMA before beginning. Currently working on scope change to submit to FEMA for approval.

- 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. Project is still in EHP at FEMA (1/31/23). No movement on FEMA side. **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. Need to determine all project costs with staff and then submit the close out paperwork (1/31/23). Working on DAC to be submitted this week

vi.

- 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**
- iii. **Staff and volunteers met 1/24/23 to discuss the timeline and the historian work which will be accumulated by 2/18! There will be a public display “town hall” at Holy Family on 2/26 for the Hill Community to view and give comments. There will also be a City workshop before the regular meeting on 3/7 for board action to approve of the historian work. After the wording has been approved, then the design process can begin. (All designs will go through a**

workshop/board action process again to make sure all comments are taken into consideration.)

iv. **Workshop and Board Action Request on 3/7**

13. 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 and is developing a task order for this project; the contract is currently under review with city attorney.**
- Engineering Continuing Services Agreement executed 02.24.2023. The contract has been submitted to DEP, as well as a draft task order for this project.
- Draft administrative task order submitted to DEP on 02.23.2023.

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.

- **Modeling and research currently underway! (1/31/23)**
- **First deliverables met!**

14. 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.

- **CWR has completed their work – the power poles have been relocated and City staff is completing the last bit of concrete sidewalks to finish out this project.**
- **Finance is working on reimbursements.**
- **Reimbursements submitted 2/28/23.**

15. 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.
- Progress Report is due at the end of April with a list of expenditures. Finance Dept. will provide.

**All information included in this report is accurate as of March 1, 2023 at 3:00pm. After that time, information is subject to change. If you have any questions, please send them to kfalkner@cityofapalachicola.com!*

Finance Director – Mark Gerspacher

City Commission Meeting – March 7, 2023 – 4:00pm

1. 2020 – 2021 Audit

Audit has been submitted to the state

2. Banyan

Utility Billing information is being converted and once complete will begin training. Chart of Accounts is ready and conversion of data will begin followed by Training.

3. Capital Projects

A list of capital projects funded in the budget has been handed out with status of each project

4. 5 – Year Capital Improvement Plan

We are working on a 5 year Capital Improvement plan. I have attached the template for the document with the projects that have been funded in the current year budget. I will be adding the projects that have been funded by grants once we can determine the correct year to put them in. Please let us know any projects you would like to see funded over the next five years.

Project	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	Funded	Funding Source
Water							
Truck	48,000					Funded	Budget
Valve Exerciser	12,000					Funded	Budget
5th Street Water Tower Refurbishment	275,000					Funded	Budget
Fire Hydrants	445,000					Funded	Budget
Drinking Water Consulting Fees	150,000					Funded	ARPA
Wastewater							
Lift Station Repair	30,000					Funded	Budget
Flovac	297,706					Funded	Budget
Vacuum Controllers	35,088					Funded	Budget
Dike Repairs	50,000					Funded	Budget
SBR Valves	19,000					Funded	Budget
Compost Drying Bed	10,000					Funded	Budget
VAC Station Controls	90,000					Funded	Budget
Blow Motor x 2	36,000					Funded	Budget
Influent Meter	7,000					Funded	Budget
Truck	45,000					Funded	Budget
Reuse Ground Storage Refurb	55,000					Funded	Budget
Filter Feed Pumps	25,000					Funded	Budget
Turbidity Meter	10,000					Funded	Budget
Autocrane for pulling Pumps	12,000					Funded	Budget
Bar Screens	75,000					Funded	Budget
Administration							
City Hall Improvements	25,000					Funded	Budget
Scipio Creek							
Scipio Creek Electrical	250,000					Funded	ARPA

Capital Project Updated
 FY 2022-2023

Project	Budget	Status
Water		
Truck	48,000	Ordered
Valve Exerciser	12,000	Not Complete
5th Street Water Tower Refurbishment	275,000	Almost Complete
Fire Hydrants	445,000	RFP to be issued next week
Wastewater		
Lift Station Repair	30,000	To be completed by Denton Cove. Funds can be reallocated
Flovac	297,706	Started
Vacuum Controllers	35,088	Started
Dike Repairs	50,000	Not Started
SBR Valves	19,000	Complete
Compost Drying Bed	10,000	Complete
VAC Station Controls	90,000	Not Started
Blow Motor x 2	36,000	Not complete
Infulent Meter	7,000	Waiting for telemetry to be completed before ordering
Truck	45,000	Ordered
Reuse Ground Storage Refurb	55,000	Started
Filter Feed Pumps	25,000	Started
Turbidity Meter	10,000	Waiting for telemetry to be completed before ordering
Autocrane for pulling Pumps	12,000	Not Started
Bar Screens	75,000	Started
Administration		
City Hall Improvements	25,000	Partially Complete
Scipio Creek		
Scipio Creek Electrical	250,000	Not Started
Facilities		
Community Center - Other	25,000	Not Complete
Police		
Truck	41,000	Complete
Public Works		
Truck	41,000	Ordered
Stormwater Project - State Appropriation	50,000	Not Complete
Street and Sidewalk Repairs	35,000	Not Complete

ATTORNEY REPORT

TO: City Commission, City of Apalachicola
FROM: Daniel W. Hartman, Esq.
DATE: March 2023
SUBJ: City Attorney Report for Commission Meeting

1. Authorization for Initiation of Legal Proceedings

The purpose of this item is to request guidance/authorization to file suit if necessary on a number Code enforcement matters that remain in non-compliance. Also guidance as to how to handle these matters moving forward. Specific to the March 2023 meeting is the ongoing situation at the property owned by Mr. Dana Allen and Mr. Frederic Kahler. The property owners have ignored notices of violation and stop work orders from the code enforcement officer and the building official with respect to improvements on the property. None of the improvements have been approved by Planning and Zoning and the owners continue with construction at the property in direct violation of state law and City Code.

In an unrelated matter, staff and I have been negotiating for warranty work to be performed by Gaskin Contractors, Inc. pursuant to a contract with the City for landscaping installation and short term maintenance along Hwy 98. The negotiations are ongoing but we are not close to resolution. It is my opinion that the City may need to file suit in order to bring this matter to resolution whether through court proceedings or negotiation. I would ask for authorization from the Commission to file suit for breach of contract if necessary.

2. Utility Bill Adjustment Policies

Recently there have been a number of situations in which City water sewer utility customers have sought utility bill adjustments. These adjustments are typically related to such issues as:

- Water Meter Misreading
- Posting Error
- Contractor/City use during system maintenance
- Water leak not associated with system connection
- Filling swimming pool (limited to one (1) adjustment in a twelve (12) month period for one (1) billing cycle)

Historically adjustments have been authorized on a case by case basis by the City Manager. After some discussion, I recommend adoption by the City of a standard policy to be applied in such situations. In my experience most governmental and private systems have such a policy in place to deal with such adjustments in a uniform and unbiased manner. The Manager advised that such a policy had been drafted back in 2020 but not adopted (attached). I would ask for authorization to review, revise (as needed) and present the Policy at the April 2023 meeting for consideration.

POLICY NO. 001: UTILITY BILL ADJUSTMENTS

Section 1: It shall be the policy of the City of Apalachicola to not adjust balances due on utility accounts, unless the adjustment is warranted by an extenuating circumstance defined within this policy.

Section 2: Eligibility for Utility Bill Adjustment

a. Water and Sewer Utility Adjustment

Water usage may be considered for adjustment by the City Utility Department or the City Manager if the total month's usage is at least two (2) times the six (6) month average usage. If approved, the Utility Department will determine the gallons approved for credit based on the usage history of the customer in prior comparable periods. Circumstances eligible for utility adjustment include the following:

- *Water Meter Misreading*
- *Posting Error*
- *Contractor/City use during system maintenance*
- *Water leak not associated with system connection*
- *Filling swimming pool (limited to one (1) adjustment in a twelve (12) month period for one (1) billing cycle)*

Water usage approved for credit will be eligible for:

- *100% credit for the related sewer charge, but not more than the six month average.*
- *85% credit for the related water charge, but not more than the six month average.*

Limited to one adjustment in a twelve (12) month period for two billing periods. Utility charges related to water usage determined to be due and payable, but not eligible for adjustment, may be approved by the City Manager for a payment plan over a reasonable amount of time, based upon hardship, but not to exceed twelve (12) months.

b. Other Adjustments

Other minor utility adjustments will be considered on a case by case basis by the City Manager. Approval will be reliant upon adequate documentation of the user's grievance.

Section 3: All adjustments are to be approved in writing by the City Manager or their designee in the event of an emergency approval needed in the City Manager's absence.

Section 4: A listing of all adjustments granted by the City Manager will be forwarded to the Mayor and Commissioners at the close of each billing cycle.

End of Policy.