

REGULAR MEETING
APALACHICOLA CITY COMMISSION
TUESDAY, APRIL 11, 2023 – 4:00PM
BATTERY PARK COMMUNITY CENTER
1 BAY AVE., APALACHICOLA, FLORIDA 32320

Agenda

You are welcome to comment on any matter under consideration by the Apalachicola City Commission when recognized to do so by the Mayor. Once recognized please rise to the podium, state your name for the record and adhere to the three minute time limit for public comment. Comments may also be sent by email to the City Manager or to Commissioners.

- I. Call to Order**
 - Invocation
 - Pledge of Allegiance

- II. Agenda Adoption**

- III. Public Comment**

- IV. Presentation: Southern Group – Kate DeLoach**

- V. New Business**
 - 1. Drinking Water Expenditure Authorization
 - 2. Lease Approval - FAMU
 - 3. 1st Reading – Ordinance 2023-01 - Election Ordinance
 - 4. 1st Reading – Ordinance 2023-02 - Height Ordinance
 - 5. Volunteer Week Proclamation

- VI. Unfinished Business**
 - 1. Moving Education Institute, Inc. Request
 - 2. Old Library Expenditure Request

- VII. Mayor and Commissioner Comments – Reports Attached**

- VIII. City Manager Communications – Report Attached**

- IX. Grants Coordinator Communications – Report Attached**

- X. Finance Director Communications – Report Attached**

XI. Attorney Communications

XII. Consent Agenda

- A. Meeting Minutes Adoption – March 6, 2023 – Workshop (Encroachment);
March 7, 2023 – Workshop (ACSC); March 7, 2023 – Workshop (Black History
Trail); March 7, 2023 – Workshop (Comp Plan); March 7, 2023 – Regular
Meeting**
- B. Planning & Zoning Minutes – March 13, 2023 – Workshop & Regular Meeting**
- C. Board of Adjustment – March 15, 2023 – Quasi-Judicial Public Hearing**

XIII. Department Reports – Included in Agenda Packet

Adjournment

Any person who desires to appeal any decision at this meeting will need a record of the proceeding and for this purpose, may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the appeal is based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office 48 hours in advance of the meeting.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 11, 2023**

SUBJECT: Request to Fund RAFA Systems Program

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 1
Department: Drinking Water
Contact: Rhett Butler
Presenter: Travis Wade

BRIEF SUMMARY: During the time that the City was performing maintenance on the water tower, the water pressure was being monitored and regulated manually by sending staff to the water dept during work time and after hours on a daily basis. Representatives from RAFA Systems designed a program that allows staff to monitor the pressure and regulate it from a cellular telephone application. The application can be updated to perform additional functions as well that will reduce after hours (overtime) staff response. RAFA Systems installed the program at the City water department and allowed us to use it for 60 days because of the demand during the water tower project (while the tower was out of use, pumps were required to maintain the water pressure in the City, and these pumps caused fluctuations in water pressure. Too little pressure would not allow fire prevention and control measures to properly operate and too high pressure could damage infrastructure in the delivery system.)

The subscription fee is \$460 annually.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve

FUNDING SOURCE: Water Department

ATTACHMENTS: Quote from RAFA Systems and Sole Source Form

STAFF'S COMMENTS AND RECOMMENDATIONS: This expenditure will quickly pay for itself by reducing overtime costs for responses to the water department for water pressure issues.

RAFA SYSTEMS, INC.
 PO Box 275
 Cattaraugus, NY 14719

(716) 258-9396
 info@rafasystems.com

Estin



Rhett Butler
 Apalachicola, Fl
 192 Coach Wagner Blvd.
 Apalachicola, Florida 32320

Rhett Butler
 192 Coach Wagner Blvd.
 Apalachicola, Florida
 32320

DATE
 02/08/2023

PLEASE PAY
 \$13,291.00

RAFAIte900

RAFA 900 Controller: 12 digital inputs, 6 analog inputs, 4 relays, built-in datalogging and touch-screen (additional analog, sensor, and 4-20mA output cards available)

Nema 4x Box, mounted on 1/2" poly pro backboard, surge protection, power supply unit, Industrial LTE 4G Router w/ 2 Ethernet interfaces, firewall, NAT, IPsec, OpenVPN support, 2x SMA-F antenna socket, SMS and email transmission, 2 digital inputs and 1 digital output, .5m Antenna, power relays, and push-in terminal blocks on dinrail. (AT&T or Verizon

DATE DESCRIPTION

cellular communications)
 Online Web Based
 Remote Control Manager
 Two-Year Limited
 Warranty on Controller
 Limited Lifetime Warranty
 on Communication
 Components

\$detail.srNo

RS15-001-6
 W900 - F -
 Dual Channel
 Analog (4-
 20mA) Output

\$detail.srNo

RAFA900 Intuition
FRB-04
 Int-9 Relay Module, 4
 Dry

\$detail.srNo

KE001-001-0
 VALUELINE
 Inline Pressure
 Transmitter
 100 PSIG

\$detail.srNo

RAFA-SU-TR
 Setup - Training
 Includes initial programming and
 setup of Controllers. Training of
 Operators and setup
 programming during installation.
 Includes Follow-up Training and
 Programming after the Sale.

\$detail.srNo

R110-001-0
 RAFA 1 Activation &
 Subscription - Provides
 platform access to the
 RAFA Systems with real-
 time cellular
 communications.
 Renewal date will begin 1
 year from the 1st of the
 month after installation.
 Includes data and access
 to all RAFA System
 locations.

Agree to pay estimate if system performs as intended for 60 days

SUBTOTAL	13,291.00
TAX	0.00
<hr/>	
TOTAL	\$13,291.00

THANK YOU.

Accepted By

Accepted Date

EXHIBIT A (Page 1 of 2)
Sole Source Form

Estimated Costs: \$13,291.00	Supplier: RAFA Systems, Inc
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TYPE OF PROCUREMENT: (Select one)

Sole Source: X

A situation where only one supplier/source is capable of supplying the required commodity or service. The City of Apalachicola engages and requires written justification of sole source purchases.

SOLE SOURCE JUSTIFICATION GUIDELINES

City Staff are responsible for providing and certifying as accurate and complete necessary data to support their recommendation for other than full and open competition. The justification must demonstrate that only one company can perform or supply the goods or services. The following are examples of explanations for a Sole Source Justifications (SSJ):

- a) Compatibility to a City Standard or Existing Environment.
- b) Licensed or Patented Applications.
- c) Authorized Service Provider for Repair and Warranty Services.
- d) The supplies/services to be acquired are unique.

**** IMPORTANT ****

- Statements that a supplier has the best capability or offers the lowest price are not bases for an SSJ. Such determinations can only be made through full and open competitive processes.
- Rationale that the recommended source is the most highly qualified to perform but does not establish why other sources cannot perform is not acceptable.
- Incumbency does not justify an SSJ.
- Administrative delay or lack of adequate advanced planning resulting in urgency does not justify an SSJ.
- All (SSJ) sole source justification documentation must be attached to all purchase orders.
- In the event of a non-competitive procurement consistent with 2 CFR 200.320(c) the City must obtain written approval from the Florida Department of Economic Opportunity to award a contract over \$25,000.00.

EXHIBIT A (Page 2 of 2)

JUSTIFICATION: (Select one)

<input type="checkbox"/>	<p>Compatibility to a City Standard or Existing Environment. (<u>List the suppliers who were contacted below and the specific reasons why each was not a viable source</u>).</p> <ul style="list-style-type: none"> • • •
<input type="checkbox"/>	<p>Licensed or Patented Applications. (<u>List the qualifications that each source or items meet. If another supplier offers a similar item, provide the item identification, supplier information and comparable pricing</u>).</p> <ul style="list-style-type: none"> • • •
<input type="checkbox"/>	<p>Authorized Service Provider for Repair or Warranty Services. (<u>The selected supplier is the only listed and authorized provider of this item or service. List the reasons why no substitute item can be used and if no similar item or service is available</u>).</p> <ul style="list-style-type: none"> •
<input type="checkbox"/>	<p>The supplies/services to be acquired are unique. (<u>The selected supplier is specialized for the required need of the City. List the reason(s) why this supplier is unique or specialized.</u>•</p> <p>The application was specifically designed to operate and monitor the pumps and gauges at the City's water department during the repairs/maintenance of the City's water tower while pump usage was required.</p>

DESCRIPTION & REASONABLENESS OF PRICE: (Provide written explanation, technical reasoning and/or evidence of the claim)

I certify that statements checked, and information provided above, are complete and correct to the best of my knowledge. I understand that the processing of this sole source justification precludes the use of full and open competition.

DEPARTMENT SIGNATURES

Department Employee: _____ Department: _____
(Employee requesting goods or services) Print

Department Employee: _____ Date: _____
Signature

Department Director Signature: _____ Date: _____

Department Director Name (Printed): _____

The Department Director signature is required

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 11, 2023**

SUBJECT: **FAMU Lease for Space at Community Center**

AGENDA INFORMATION:

Agenda Location: **New Business**
Item Number: **2**
Department: **Administration**
Contact: **Travis Wade**
Presenter: **Travis Wade**

BRIEF SUMMARY: A proposed lease agreement was provided to FAMU for space that they currently occupy in the Community Center Building. FAMU staff has reviewed the lease and agreed upon the conditions therein.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approval

FUNDING SOURCE:

ATTACHMENTS: Proposed Lease

STAFF'S COMMENTS AND RECOMMENDATIONS:

LEASE AGREEMENT

This LEASE AGREEMENT was entered into on _____, 2023, ("Effective Date") between CITY OF APALACHICOLA, a Florida Municipality, having its principal place of business at 192 Coach Wagoner Blvd, Apalachicola, Florida 32320, ("Lessor"), and Florida Agricultural and Mechanical University Board of Trustees (FAMU), having its principal place of business at 1601 S. Martin Luther King, Jr. Blvd, Tallahassee, FL 32307 ("Lessee").

That Lessor, for and in consideration of the rents to be paid and of the covenants and agreements herein mentioned to be performed by Lessee, does hereby lease and demise to Lessee, and Lessee does hereby lease from Lessor, the areas herein described situated in Apalachicola, Florida, upon the following terms and conditions:

1. DESCRIPTION OF LEASED AREAS

The Lease covers a portion of the property located at the Apalachicola Community Center located at 1 Bay Avenue, Apalachicola, Florida 32320, County of Franklin, State of Florida. The Lessee will be leasing approximately 414 sq. ft. located in the existing building on the property (the "Premises"). This includes use of the common areas serving the Leased Space.

2. USE BY LESSEE OF THE PREMISES

The Premises shall be used by Lessee for educational and recreational purposes connected to the mission of the University, provided such use does not diminish the value of the Premises or constitute a nuisance, ordinary wear and tear excepted.

3. OCCUPANCY

Lessee shall be entitled to begin occupancy of that portion of the property referred to as the Premises shown in Exhibit "A" as of the Effective Date of this Lease.

4. RENT; SECURITY DEPOSIT; RENT CREDIT; TERM; RENEWAL

Lessee shall pay to Lessor as monthly base rent for the Premises as follows:

A. Initial Term – two (2) years - Lessee shall pay \$786.60/month during the initial term of the Lease,

B. Subsequent Terms – The Tenant may renew the Lease for three (3) subsequent one (1) year periods at the same rate with a 3% increase each renewal term by providing notice sixty (60) days prior to the end of any prior term of its intent to renew. The City shall approve such renewal if the Tenant remains in compliance with the Lease terms.

Such monthly rent shall be paid in advance on or before the tenth day of each calendar month. Any rental payment made in respect to a period of less than one month shall be prorated.

Lessee shall pay as additional rent hereunder all sales tax and assessments.

5. SECURITY DEPOSIT

No security deposit shall be required.

6. QUIET ENJOYMENT

Provided that Lessee complies with all of its obligations under this Lease, Lessor shall not interfere with the peaceful and quiet occupation and enjoyment of the Premises by Lessee during the term.

7. CONDITION OF PREMISES

The Premises are leased to Lessee in their present physical condition and state of title (including, without limitation, matters of survey and zoning, building and other laws, regulations and restrictions now and hereafter in effect), and Lessor makes no representation or warranty with respect thereto.

8. ADDITIONAL OBLIGATIONS OF LESSEE

Lessee will, at its expense:

(a) comply with all existing and future federal, state, and county and local statutes, laws, enactments, ordinances, rules, regulations, orders and other governmental requirements ("Governmental Requirements") applicable to Lessee's use or occupancy of the Premises, including, but not limited to, workmen's compensation laws and the Occupational Safety and Health Act of 1970 and all Governmental Requirements issued thereunder, and hold harmless, indemnify and defend Lessor from and against any claims, actions, damages, losses, costs and expenses, including reasonable attorneys' fees, made against or sustained by Lessor as a result of Lessee's failure to comply with any Governmental Requirements;

(b) be responsible for and protect itself against all risk of loss or damage by fire or other casualty to its own property and material and any other property and material used by it or under its control on the Premises;

(c) secure and maintain a comprehensive general liability insurance policy covering against claims for bodily injury, death or property damage (including coverage of potential claims against the City by customers/clients/patrons/invitees or guests of the Lessee) occurring on, in or about the Premises and the adjoining property, streets, sidewalks and passageways or by reason of the existence, ownership, use, occupancy or maintenance thereof, in amounts as would be maintained by a prudent owner of similar property but in no event less than \$1,000,000 for bodily injury or death to any one person, \$1,000,000 for bodily injury or death in any one accident, and \$1,000,000 per occurrence for property damage, such insurance to include contractual liability coverage for liabilities assumed by Lessee under this Lease and to include an additional insured endorsement making Lessor

an additional insured thereunder in accordance with Section 17 hereof and proof thereof be provided to the City on an annual basis;

(d) prior to the effective date of this Lease, secure and deliver to Lessor Certificates of Insurance evidencing all insurance coverage required under this Lease, and including a provision that at least 30 days advance written notice will be given to Lessor prior to cancellation, termination, or any alteration of the policy or policies evidenced by such Certificate;

(e) keep and maintain the Premises in a safe and sanitary condition, and provide all labor, services and supplies which may be required in connection with the operation and maintenance of the Premises in a safe and sanitary condition; and

(f) pay all taxes which may be levied upon or assessed against all of Lessee's property and material and any other property and material used by Lessee or under its control on the Premises.

(g) shall coordinate with any other Lessee of the property as to amicable use of common areas which include but are not limited to access and use of parking and bathroom facilities.

9. RIGHTS OF INGRESS AND EGRESS AND MOVEMENT OF MATERIALS

Lessor agrees to make available to Lessee rights of ingress to and egress from the Premises by driveway and parking lot on the property

10. EASEMENTS

Lessor reserves the right to grant such easements on, over, under and through, and to cause such improvements to be made upon the Premises as Lessor may deem necessary for the service or benefit of the Premises, including, but not restricted to, power, gas, telephone, water and storm and sanitary sewers; provided, however, that no easements shall be granted or improvements made which will unreasonably interfere with the use by Lessee of the Premises. Lessor shall not be liable for inconvenience, annoyance, disturbance, loss of business or other damages of Lessee or other losses, damages or claims by Lessee by reason of such easements or improvements, and the obligations of Lessee under this Lease shall not be affected thereby. Lessor shall give Lessee prior notice of any work to be performed upon the Premises in connection with such easements or improvements and such work shall be accomplished so as to attempt to minimize any effect upon Lessee's use of the Premises while it is being performed.

11. REAL ESTATE TAX ASSESSMENT APPEALS

N/A

12. WAIVER OF SUBROGATION RIGHTS

It is agreed that neither party to this Lease shall be liable to the other party for any property loss, damage or claims therefor to the extent of the insurance proceeds received for such loss, damage or claims by the other party. This agreement constitutes a waiver of any and all claims for, and a complete release of, all such liability to the extent of such insurance proceeds, and a waiver of all rights of subrogation of the insurance carriers under the insurance policies of the respective parties with respect to such claims and liability. In the event that any circumstances arise which result in a conflict between the provisions of this Section 12 and the provisions of Section 17 (Liability Insurance for Lessor) below, the provisions of this Section 12 shall govern and control.

13. MAINTENANCE; UTILITIES

During the term of this Lease, Lessee shall keep and maintain the Premises in as good order and repair as they are on the date of occupancy, reasonable wear and tear excepted; provided, however, that Lessor shall be responsible only for any necessary repairs to the basic structure of Lessor's building, i.e., the foundation, building supports, exterior walls and roof, excluding, however, any repairs which must be made to areas of such basic structure modified for Lessee, and further excluding any repairs to such basic structure made necessary by damages caused by any acts or omissions of Lessee, its employees or agents. All such excluded repairs to the basic structure must be made by Lessee. Structural repairs shall be deemed to be needed when failure to make the same will result in a potential or actual hazard to persons or property and/or impair the use or occupancy of the leased areas by Lessee. If either party fails to make the necessary repairs for which such party is responsible hereunder within 30 days of notice from the other party that such repairs are needed, or within a longer period of time as may be reasonable under the circumstances, the other party may make or cause to be made such repairs, and bill the responsible party for the same. Payment shall be due upon receipt by the responsible party of such bill.

Included in the base rental amount are all charges for water, sewer and electrical utility service to the Premises.

14. LESSOR'S RIGHT OF INSPECTION

Lessor shall have the right, at any time during reasonable business hours, to inspect the Premises and Lessee will conform in all respects with all of Lessor's reasonable recommendations with respect to:

- (a) proper maintenance of the Premises and good housekeeping;
- (b) all portable fire protection equipment;
- (c) all plant rules and regulations of Lessor as to safety and conduct of employees and business guests of Lessee while on that portion of the area which is occupied or used by Lessor; and

- (d) Lessee's compliance with all its other obligations under the terms of this Lease.

15. ENVIRONMENTAL REQUIREMENTS

Lessee agrees to comply with all present and future statutes, laws, ordinances, enactments, rules, regulations, orders, decrees, directives, mandates or other similar requirements of any federal, state or local government, court or public authority prohibiting, regulating or otherwise relating to environmental pollution and environmental control of any kind, including, but not limited to, air pollution, water pollution, noise pollution, solid waste pollution, toxic substance control (Environmental Requirements), including, but not limited to, Environmental Requirements under the Federal Water Pollution Control Act, as amended, the Federal Clean Air Act, as amended, the Resource Conservation & Recovery Act, the Noise Control Act, and the Toxic Substances Control Act, which are applicable to or arise out of or in connection with Lessee's use or occupancy of the Premises. Lessee further agrees to establish or continue a program to assure that all present and future Environmental Requirements shall be monitored and met. Lessee will comply with such Environmental Requirements at its sole cost and expense.

16. INDEMNIFICATION BY LESSEE OF LESSOR

N/A

17. LIABILITY INSURANCE FOR LESSOR

Lessee shall make Lessor an additional insured under Lessee 's comprehensive general liability insurance policies applicable to the Premises by means of an additional insured endorsement, a copy of which shall be furnished to Lessor, so that to the extent of such insurance coverage, Lessor is defended from and insured against any and all claims, actions, losses, liabilities, costs and expenses, resulting from injury (including death) to the person or damage to or loss of the property of anyone (including employees of Lessee) arising out of or in connection with occupancy or use by Lessee, its employees, agents, contractors or business guests of the Premises, any adjacent areas and any other property of Lessor. Such additional insured endorsement shall provide that the insurance afforded for Lessor is primary and any other valid and collectible insurance available to Lessor shall be excess. The insurance afforded for Lessor shall not be cancelled or reduced unless the insurer gives thirty (30) days written notice thereof to Lessor.

18. ALTERATIONS AND ADDITIONS

Lessee may not make any alterations or additions to the Premises without the prior written consent of Lessor, which consent shall not be unreasonably withheld; provided, however, that Lessee may make additions to or alterations of the Premises of a nonstructural nature which do not result in a decrease in the fair market value of the Premises without the consent of Lessor. Any approved structural or design changes to the building shall be accompanied by signed and sealed engineered design documents as applicable. All approved improvements shall be properly permitted and inspected through the applicable local building department. All improvements made to the Premises by the Lessee shall remain upon expiration of the lease and shall become the property of

the City.

19. SURRENDER AND REMOVAL AT END OF TERM

Upon expiration or earlier termination of this Lease for any reason whatever, Lessee shall surrender the Premises, including all improvements thereto, and all plumbing, electrical, heating, air conditioning and other equipment and all fixtures affixed to the premises, in good repair and condition, reasonable wear and tear excepted, broom clean and free of Lessee's removable property. If Lessee shall fail to remove its property, or any part thereof, within sixty (60) days after such termination, Lessor shall have the right to remove and dispose of the same, and make any repairs caused by such removal, at the expense of Lessee

As stated above, all improvements made to the Premises by the Lessee shall remain upon expiration of the lease and shall become the property of the City.

20. DAMAGE OR DESTRUCTION BY FIRE OR OTHER CASUALTY

In the event the Premises is destroyed by fire or other casualty or damaged by such cause to the extent that the Premises are not rebuilt or restored, then this Lease shall terminate as of thirty (30) days after the date of destruction and Lessor shall give Lessee at least 30 days written notice of such termination; otherwise, Lessor shall rebuild or restore the Premises promptly and with reasonable diligence, and Lessee shall be entitled to a pro rata abatement of rent for the period required to rebuild or restore the Premises to the extent that the Premises are unusable.

21. CONDEMNATION

If the Premises or any necessary and substantial part thereof is taken by eminent domain, this Lease shall terminate on the date of such taking and the rent shall be apportioned as of that date. In any taking or condemnation proceedings, Lessee shall have the right to be a party and to lodge a claim against the condemning authority for any award it may be allowed at law, including, without limitation, an award for its trade fixtures, business and personal property and moving and relocation expenses; provided, however, that nothing herein shall entitle Lessee to any share in the award which Lessor would be entitled to receive if the Premises had never been subject to this Lease. Lessor shall promptly notify Lessee of any actual or contemplated taking of which it has knowledge.

22. TERMINATION

In the event of any breach of this Lease or of any provision hereof by either party, which breach is not remedied within 30 days after written notice thereof by the other party, such other party may terminate this Lease by giving written notice of termination in writing to the party in breach, but any such termination shall not relieve either party of any obligations which accrued prior to such termination.

23. LESSOR'S STATUTORY RIGHTS

Nothing herein contained shall restrict or limit any rights or remedies which Lessor has or shall have under the laws of the State of Florida now or hereafter in effect.

24. NOTICES

Any notice which may be required or permitted to be given under any provisions of this Lease shall be deemed to have been effectively given and received upon deposit in the United States registered or certified mail, postage prepaid, and e-mail addressed as follows:

If to Lessee

Florida Agricultural and Mechanical University Board of Trustees (FAMU)
1601 S. Martin Luther King, Jr. Blvd.
Tallahassee, FL 32307

With Copy to:

If to Lessor:

City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, Florida 32320
E-MAIL – twade@cityofapalachicola.com

With Copy to:

Daniel W. Hartman, Esq.
PO Box 10910
Tallahassee, FL 32301
dan@FLLegalteam.com

Either party may change its address for purposes of this provision by giving written notice of such change in the manner above provided.

25. LIENS

Lessee shall not suffer or permit any mechanic's, laborer's or materialman's lien to stand against the Premises or any part thereof, or against the interest of Lessee in the Premises, by reason of any work, labor, services or materials done for or supplied to or claimed to have been done for or

supplied to Lessee or anyone holding the Premises or any part thereof through or under Lessee. If any such lien shall at any time be filed, Lessee shall cause the same to be discharged or bonded of record within 30 days after Lessee shall have learned of the same, by either payment, deposit, or bond; provided, however, that such discharge or bonding of record must be sufficient (a) to permit Lessor to obtain title insurance with no exception for such lien and (b) to prevent the holder of the lien from causing a sale, foreclosure or other title divestiture with respect to the Premises or any portion thereof. If Lessee shall fail so to discharge or bond any such lien within such 30-day period, then, in addition to any other right or remedy of Lessor, Lessor may, but shall not be obligated to, procure the discharge of the same either by paying the amount claimed to be due by deposit or bonding, or Lessor shall be entitled, if it so elects, to compel the prosecution of an action for the foreclosure of such lien by the lienor and to pay the amount of the judgment, if any, in favor of the lienor, with interest, costs and allowances. Any amount paid or deposited by Lessor for any of the aforesaid purposes, and all costs and other expenses of Lessor, including reasonable counsel fees, in defending any such action or in procuring the discharge of such lien, with all necessary disbursements in connection therewith, together with the late charge from the date of payment or deposit by Lessor, shall be payable by Lessee to Lessor as additional rent within 5 days of demand therefor.

Nothing in this Lease shall be deemed to be the consent or request of Lessor, expressed or implied, for the performance of any labor or the furnishing of any materials for any construction, alteration, restoration or repair of, to or on the Premises or any part thereof, nor as giving Lessee any right, power or authority to contract for or permit the rendering of any services or the furnishing of any materials which give rise to any lien against Lessor's interest in the Premises. Lessor shall have the right to post and keep posted at all times on the Premises any notices which Lessor shall deem appropriate for the protection of Lessor and the Premises from any such lien.

This Lease shall not be used as collateral for any purpose.

26. ASSIGNABILITY; SUBLEASING

This lease shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, but Lessee shall have no right to assign this Lease or to sublet the Premises, or any part thereof, either voluntarily or by operation of law, without the prior written consent of Lessor.

27. FORCE MAJEURE

Neither Lessor nor Lessee shall be responsible for delay or failure of performance of any of its obligations under this Lease caused in whole or in part by: Acts of God, wars, riots, fires, explosions, breakdowns or accidents; strikes, lockouts or other labor difficulties; lack or shortages of labor, materials, utilities, energy sources, compliance with governmental rules, regulations or other governmental requirements; any other like causes; or any other unlike causes beyond the control of the party whose performance is affected thereby. The foregoing shall be in addition to and not in limitation of any excuses for nonperformance available to the party whose performance is affected under any applicable law. The party whose performance is so affected shall make all

reasonable efforts to remove such disability as soon as possible, except for labor disputes which shall be solely within such party's discretion.

28. INTEGRATION

This Lease sets forth the entire agreement and understanding between the parties as to the subject matter of this Lease and any and all prior or contemporaneous proposals, negotiations, agreements, commitments and representations, oral or written, are merged herein. This Lease may not be modified or amended except by means of a writing duly executed by the parties subsequent to the date hereof which states that it is intended to amend this Lease.

29. MISCELLANEOUS

Each provision hereof shall be separate and independent and if any provision hereof or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remaining provisions hereof, or the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, as the case may be, shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the extent permitted by law. All provisions contained in this Lease shall be binding upon, injure to the benefit of and be enforceable by, the respective successors and assigns of Lessor and Lessee to the same extent as if each such successor and assign were named as a party hereto. No waiver of any provision hereof shall be deemed a waiver of any other provision hereof or of any subsequent breach of the same or any other provision.

30. CAPTIONS

The captions set forth at the beginning of each of the numbered paragraphs of this Lease are intended for purposes of reference only and are of no legal force and effect.

31. FLORIDA LAW.

This lease will be governed by the laws of the state of Florida, as to both interpretations and performance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

LESSOR:

City of Apalachicola, a Florida Municipality

By: _____
Travis Wade, City Manager

LESSEE:

Florida Agricultural and Mechanical University (FAMU)
Board of Trustees

Allyson Watson, PhD, Interim Provost and Vice
President for Academic Affairs

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
April 11, 2023**

SUBJECT: 1st Reading – Ordinance 2023-01 - Amendment of Election Date, Runoff and Manner of Election

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 3
Department: City Attorney
Contact: Dan Hartman
Presenter: Dan Hartman

BRIEF SUMMARY:

Attached is an Ordinance intended to amend the Code in the following manner:

1. Change the Date of the Elections to coincide with County, State and Federal elections, (In November of even numbered years by the year 2026);
2. Additional changes in order to accomplish the above change in the date of elections, specifically:
 - a. Change in terms of Mayor and Commissioners to three (3) years for the 2023 and 2025 elections;
 - b. Change in how runoff elections are conducted; and
 - c. Clarification as to the manner of election of Commissioners to be consistent with Code and historic practice. (Election by seat, at large)

This would be first reading of the Ordinance.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Motion to move ahead with Second reading of the Ordinance

FUNDING SOURCE:

N/A

ATTACHMENTS: (see attached)

STAFF'S COMMENTS AND RECOMMENDATIONS:

Approve

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA PROVIDING FOR THE AMENDMENT OF APALACHICOLA CODE OF ORDINANCES, PART II – CODE, CHAPTER 16 – ELECTIONS, SECTION 16-1, AND PART I, CHARTER, ARTICLE II, SECTION 9 CHANGING THE YEAR AND MONTH OF ELECTION FOR THE MAYOR AND CITY COMMISSIONERS FROM SEPTEMBER OF EACH ODD-NUMBERED YEAR TO NOVEMBER OF EACH EVEN-NUMBERED YEAR; PROVIDING FOR REDUCTION OF THE TERMS OF INCOMING MAYOR AND COMMISSIONERS IN THE NEXT TWO ELECTION CYCLES IN ORDER TO MAKE AN ORDERLY TRANSITION; PROVIDING FOR AMENDMENT OF SECTION 9 TO CONFORM WITH THESE CHANGES AND PROVIDING FOR MANNER OF ELECTION AND RUNOFF ELECTIONS; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PARTS THEREFROM IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Apalachicola could realize savings by conducting its elections in November on even numbered years in order to coincide with the County, State and National election dates; and

WHEREAS, moving the City election date to coincide with County, State and National election dates by the year 2026 is anticipated to increase voter participation; and

WHEREAS, Section 16-1, Part II, Chapter 16 of the Apalachicola Code of Ordinances currently states that the biannual election of offices for the City shall be held on the third Tuesday after the third Monday in September of each odd-numbered year; and

WHEREAS, the City Commission deems it appropriate to change the month of the elections from September of odd-numbered years to November of even-numbered years in order to coincide with other County, State and National elections by 2026; and

NOTE: ~~Struck-through language is language proposed to be deleted, Underlined language is amended language, and *** represents sections that have been skipped and that remain unchanged.~~

WHEREAS, pursuant to Section 100.3605 and 166.021(4), Florida Statutes the governing body of a municipality may by ordinance change the dates for election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

WHEREAS, the City Commission recognizes that a change in the terms of both Mayor and Commissioners will be necessary in order to effectuate the change of election date. This change will result in the reduction of the term of office from four (4) years to three (3) years and two months for the Mayor and Commissioners to be elected to office in the 2023 regular election and the Commissioners to be elected to office in the 2025 election. Candidates for these elections will qualify for and be elected to terms in office of three (3) years and two (2) months.

WHEREAS, amendment of the provisions of Part I, Charter, Article II, Section 9 entitled “Creation of Commission” is necessary to be consistent with date of election, manner of election, reduction in terms of office and to provide for runoff elections. Further this Section is amended to correct an error made during codification which included the erroneous reference to a District Map and election by District.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA:

Section 1. Adoption of Representations:

The foregoing Whereas clauses are hereby ratified and confirmed as being true, and the same are hereby made part of this Ordinance.

Section 2. Amendment to Election Date and Terms of Office:

The City Commission hereby amends and restates in its entirety Part II, Chapter 16, Section 16-1 of the City Code of Ordinances as follows:

Sec. 16-1 Election date

The regular election of the City shall be held on the first Tuesday after the first Monday in November of each even-numbered year; except for the regular election of the City to be conducted in 2023, which shall be held on the first Tuesday after the first Monday in September 2023 and in which candidates shall be qualified for and elected to terms of three (3) years and two months through December 2026; and for the regular election of the City to be conducted in 2025 which shall be held on the first Tuesday after the first Monday in September 2025 and in which candidates shall be qualified for and elected to terms of three (3) years and two months through December 2028.

Section 3. Reduction of Terms of Office for Mayor and Commissioners in Upcoming Elections:

The terms of office for the Mayor and Commissioners to be elected in the 2023 election shall be three (3) years and two (2) months. The terms of office for the Commissioners to be elected in the 2025 election shall be three (3) years and two (2) months. The reduction in these terms of office being necessary to transition the City to the even year Local, State and Federal biennial election cycle by the year 2026.

Section 4. Amendment of Part I, Charter, Article II, Section 9 entitled “Creation of Commission”

Section 9. Creation of Commission.

A city Commission is created to consist of a Mayor-Commissioner and four (4) Commissioners, with one Commissioner to be qualified for and elected at Large to each available seat on the Ballot,

each seat shall be the subject of its own race from each of four districts as defined in the District Boundaries Map attached hereto, and the Mayor to be elected from the City at Large. The qualifications of the Mayor and Commissioners shall be as hereinafter described in this Charter. The terms of office shall be for four years (other than for those elected in the 2023 and 2025 regular elections which terms shall begin on the first Tuesday after the first Monday in October 2023 and 2025 respectively) and shall begin on the first Tuesday after the first Monday in December~~October~~ of each even numbered year following the 2025 election. ~~The first election held under this Amendment shall be held on the first Tuesday after the first Monday in September, 1985, and at that time, Commissioners shall be elected from Districts 1 and 2. At the election held on the first Tuesday after the first Monday in September, 1987, the Mayor shall be selected by the voters at large and Commissioners shall be selected from Districts 3 and 4. To be eligible as a candidate for Commissioner from a district, a person must reside in the designated district, as defined by the district boundaries shown on the district boundary map. After the 1987 election, regular biennial elections shall fill the vacancies occurring at the expiration of the 4 year terms of the Commissioners and the Mayor. A first election shall be held in the City on the first Tuesday after the first Monday in September of every year in which municipal elections are to be held. If a candidate for election of an office shall receive a majority of the votes cast for all candidates for the office/commission seat, or if he/she shall have no opposition at the first election, he/she shall be declared elected to such office/commission seat. If no election occurs as hereinbefore provided, a second election (run off election) shall be held on the third Tuesday after the first Monday in September of such year for the purpose of having elected an officer for each and every elective office to be filled, provided that if the timing of that election is not such that it will allow for absentee ballots to be counted or sufficient time for early voting to be conducted, the City shall~~

~~have the right and authority to extend the date of the runoff election to the next earliest date to enable the timely seating of elected officials, both absentee voting and early voting and provided that for the year 2019, the runoff election is extended to and set as October 1, 2019 with September 21—September 28 being the early voting period and absentee ballots entitled to be requested from September 11, 2019 to September 21 which is the last date for requiring an absentee ballot from the Elections Department acting on behalf of the City, AND the last day that qualified voters shall have to have their absentee ballot returned to and received by the City Elections Office to be considered for this runoff election is October 1, 2019 by 7:00 P.M. E.D.T. as determined by the Franklin County Supervisor of Elections (Supervisor) when such runoff elections are administered by the Supervisor through agreement with the City or by the City Commission if the City administers its own election as provided herein; and further provided that there shall be printed upon the ballot, for the second election only, the names of the candidates for each office who shall have received in the first election the greatest and the next greatest or equal number of votes in the first election, and no other name shall be placed on the ballot by electors writing in such names or otherwise. The candidate who receives the greatest number of votes cast for each office shall be declared elected. In case of a tie, a special election shall be called within thirty (30) days for the purpose of determining the winner between any two (2) such candidates. The incumbent shall hold office until a successor is elected and qualified as herein provided. Travel allowances shall be as set by Ordinance.~~

Section 5. Conflict:

All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 6. Severability. If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption by the City of Apalachicola, Florida.

PASSED FIRST READING ON: _____

PASSED SECOND READING ON: _____

CITY OF APALACHICOLA

BY: _____
Brenda Ash, Mayor

ATTEST:

Deborah Guillotte
CITY CLERK

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
April 11, 2023**

SUBJECT: **1st Reading – Ordinance 2023-02 – Enhanced Voting requirements for any Amendment to 35' height limit.**

AGENDA INFORMATION:

Agenda Location: **New Business**
Item Number: **4**
Department: **City Attorney**
Contact: **Dan Hartman**
Presenter: **Dan Hartman**

BRIEF SUMMARY:

After a series of Commission workshops, PZ workshops and the required Jt. Workshop compliance with all City Policies for adoption have been met. At these workshops PZ and the Commission discussed methods to strengthen/fortify the current 35' height restriction on a City wide basis. A number of alternatives were discussed. The consensus was to increase the voting requirements for amendment of the current height restriction found in the Code applicable to develop in all zoning categories. The attached draft Ordinance is before the Commission for 1st Reading. The Ordinance will enhance the vote requirement to 3+1 votes to approve any amendment increasing the allowable height (above 35') in any zoning category.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Motion to move ahead with Second reading of the Ordinance

FUNDING SOURCE:

N/A

ATTACHMENTS: (see attached)

STAFF'S COMMENTS AND RECOMMENDATIONS:

Approve

CITY OF APALACHICOLA

ORDINANCE 2023-02

AN ORDINANCE OF THE CITY OF APALACHICOLA FLORIDA REGARDING VOTING REQUIREMENTS APPLICABLE TO ANY ORDINANCE THAT WOULD INCREASE THE MAXIMUM PERMISSABLE BUILDING HEIGHT IN ALL ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City recognizes its ongoing obligation to maintain the historic character of the City for the benefit of its citizens. In an effort to maintain this historic character the City has established a maximum permissible height of thirty-five (35) feet in all zoning districts with certain exceptions;

WHEREAS, in order to maintain consistency and in recognition of the importance of such height restrictions to the historic character of the City of Apalachicola, the City desires to enhance the voting requirements applicable to any Ordinance that seeks to increase the maximum permissible height above thirty-five (35) feet in any City Zoning District;

WHEREAS, pursuant to Section 166.041(6), F.S. Florida Municipalities may specify additional requirements for the adoption or enactment of ordinances;

WHEREAS, after public workshops and obtaining citizen input, the Apalachicola City Commission deems it necessary to adopt specific additional requirements for adoption applicable to any future Ordinance that would increase the maximum permissible height above those set forth in Code as of the effective date of this Ordinance.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA, THE FOLLOWING REVISIONS RELATING TO THE ABOVE REFERENCED ORDINANCE.

- Section 1. Voting Requirements.** The affirmative vote of at least four (4) members of the City Commission shall be required for the approval of any Ordinance increasing the maximum permissible building/structure height over the current height limit of thirty-five (35) feet within any Zoning District described in the Apalachicola Code of Ordinances, Subpart B, Chapter 111, Article III, Division 3, Section 111-267.
- Section 2. Repeal.** All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.
- Section 3. Severability.** If any portion of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.
- Section 4. Effective Date.** This Ordinance shall become effective upon enactment.

This Ordinance was read and adopted on _____. Motion to adopt Ordinance made by Commissioner _____, second by Commissioner _____.

Voting AYE:

Voting NAY:

FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA

ATTEST:

Brenda Ash, Mayor

Deborah Guillotte, City Clerk

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 11, 2023**

SUBJECT: Volunteer Week Proclamation

AGENDA INFORMATION:

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

BRIEF SUMMARY: John Solomon, Executive Director of the Apalachicola Bay Chamber of Commerce, has requested that the City Commission approve the Volunteer Week Proclamation in recognition of the local volunteers. National Volunteer Week is recognized during the week of April 16 through 22, 2023, and Mr. Solomon requests again this year that the City Commission proclaim April 16 through 22, 2023 as National Volunteer Week in Apalachicola.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Recommend approval

FUNDING SOURCE: N/A

ATTACHMENTS: Volunteer Week Proclamation

STAFF'S COMMENTS AND RECOMMENDATIONS: This Proclamation was adopted in previous years as well.

National Volunteer Week April 16th – 22nd, 2023

WHEREAS, the entire community can inspire, equip and mobilize people to take action that changes the world; and

WHEREAS, individuals and communities are at the center of social change, discovering their power to make a difference; and

WHEREAS, during the week of April 16th – 22nd, 2023, all over the nation, volunteers will be recognized for their commitment to service; and

WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; and

WHEREAS, over 30% of the United States volunteer and is a great treasure; and

WHEREAS, Volunteers are vital to our future as a caring and productive community; and

WHEREAS, A volunteer saves a national average of \$29.95 an hour for the organization it volunteers for.

WHEREAS, In Florida, a volunteer saves the organization it volunteers for an average of \$27.68.

WHEREAS, Volunteers give of themselves for no other reason but to improve our community.

NOW, THEREFORE, We, Apalachicola City Commission, do hereby proclaim April 16th – 22nd, 2023, National Volunteer Week in Apalachicola and also urge our fellow citizens to volunteer in Apalachicola and Franklin County. Also, we urge others to recognize those who serve by tirelessly sharing their time and talent with those in need.

Signed this _____ day of _____ 2023

“Volunteers don’t get paid, not because they’re worthless, but because they’re priceless.” – Sherry Anderson

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 11, 2023**

SUBJECT: Moving Education Institute, Inc. is seeking to acquiring a lease agreement for spaces in the Apalachicola City Hall Complex to house Camp Moving Education and its programs

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 1
Department: Administration
Contact: Frenchy Haynes
Presenter: Frenchy Haynes/Bonnie Davis/Larry Dennis, Florida State University – Panama City

BRIEF SUMMARY: Moving Education Institute, Inc. (MEI) is seeking a short-term lease agreement (May 1 – July 31, 2023) to secure space to house Camp Moving Education for the 2023 camp. Camp dates are June 5- July 14, 2023. MEI currently conducts a summer program for youth in Apalachicola and Franklin County designed to foster creativity and teach and improve life skills through the arts and humanities. MEI desires to include instruction and certification of competency in digital technology and media in its annual summer program. This summer Camp Moving Education is partnering with a team from Florida State University – Panama City (FSU – PC). FSU – PC will award MEI a grant to provide instruction in digital and media that includes all necessary equipment and instructors for 25 participants in Camp Moving Education June 1 – July 14, 2023. This award has a monetary value of \$65,000.

RECOMMENDED MOTION AND REQUESTED ACTIONS: MEI requests that the City Commission approve in concept a short-term lease for MEI to for use of space in the City Hall Complex.

FUNDING SOURCE: N/A

ATTACHMENTS: Teaming Agreement with MEI/FSU, MEI Term Lease Sheet,

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff does not recommend approval. Staff recommends leasing the space to MEI at \$.29/square foot. The City Hall building is in need of much maintenance and repair, and with very little revenue from the rooms that are leased currently, the City is basically subsidizing these programs. In almost all cases the rent does not cover the utility usage. Staff also recommends a lease with restrictions on noise levels due to City Hall's location and proximity to the program.

Apalachicola City Commission
Request for Board Action
Meeting Date: April 11, 2023

Subject: Moving Education Institute, Inc. is seeking to acquiring a lease agreement for spaces in the Apalachicola City Hall Complex to house Camp Moving Education and its programs

Agenda Information

Agenda Location: Presentation and Unfinished Business

Item Number:

Department: Administration

Contact: Frenchy Haynes Founder/CEO Moving Education Institute, Inc.

Presenter: Frenchy Haynes/Bonnie Davis/ Larry Dennis, Florida State University – Panama City (FSU – PC)

Brief Summary:

Moving Education Institute, Inc. (MEI) is seeking a short-term lease agreement (May 1 – July 31, 2023) to secure space to house Camp Moving Education for the 2023 camp. Camp dates are June 5- July 14, 2023. MEI currently conducts a summer program for youth in Apalachicola and Franklin County designed to foster creativity and teach and improve life skills through the arts and humanities. MEI desires to include instruction and certification of competency in digital technology and media in its annual summer program.

This summer Camp Moving Education is partnering with a team from Florida State University – Panama City (FSU – PC). FSU – PC will award MEI a grant to provide instruction in digital and media that includes all necessary equipment and instructors for 25 participants in Camp Moving Education June 1 – July 14, 2023. This award has a monetary value of \$65,000.

Recommended Action and Requested Actions:

MEI requests that the City Commission approve in concept a short-term lease for MEI to for use of space in the City Hall Complex.

Funding Source: Not Applicable

Attachments:

To: Dan Hartman

From: Bonnie Davis for Moving Education Institute

3-27-23

Term Sheet City of Apalachicola / Moving Education Institute, Inc.

1. Lease term 5-1-23 to 7-31-23 (90 days).
2. Effective date: execution by the parties
3. Premises: 4 rooms of Wing A of Johnson Center
4. Use: Prepare, Conduct, and Clean-up Camp Moving Education June 5, 2023 – July 14, 2023, including expansion of program to include digital technology and media education per Teaming Agreement with FSU-PC.
5. Rent: \$0
6. Monthly Utilities: \$200
7. Moving Education will pay for cos of upgrade to electrical capacity and internet connectivity, if needed.
8. Moving Education provides liability insurance for itself and indemnification to City.

FYI

Moving Education may present proposal for longer term use of building for adult education in digital education and media during the school year.

**Teaming Agreement
Florida State University -Panama City
Moving Education Institute, Inc.**

March 27, 2023

The Parties:

Florida State University – Panama City (FSU-PC)
Contact: Larry Dennis
Email: LDennis@FSU.edu
Phone: 850 321-8786

Moving Education Institute, Inc (MEI)
Contact: Frenchy Haynes
Email: frenchyhaynes@movingeducationinstitute.org
Phone: 917 301-3136

The Premise:

1. Proficiency in digital technology and media is a skill critical to the success of individuals and their communities. It can lead to better life and career outcomes for individuals and economic sustainability for their communities.
2. Apalachicola, is located in Franklin County, Florida; one of the eight rural counties that had the most severe impacts from the BP Oil Spill. This area has been targeted for funding by the FSU Ascent/Triumph Fund for programs furthering economic growth and diversification through the development of a skilled local work force.
3. FSU- PC has identified this area as deficient in a digital technology and media workforce capable of fostering job growth and economic growth and diversification in the affected area. FSU-PC is a lead agency in awarding and administering grants for programs designed to teach and certify competence in digital technology and media.
4. MEI currently conducts a summer program for youth in Apalachicola and Franklin County designed to foster creativity, and teach and improve life skills through the arts and humanities. MEI desires to expand its program offerings to include instruction and certification of competency in digital technology and media in its annual summer program.

The Agreement:

5. FSU-PC will award MEI a grant to provide instruction in digital technology and media that includes all necessary equipment and instructors for 25 participants in Camp Moving Education June 1 – July 14, 2023. This award has a monetary value of \$65,000.
6. MEI will procure a lease of space from the city of Apalachicola

for equipment and instruction for 25 participants in Camp Moving Education (lease dates May 1, 2023 – July 31, 2023; Camp dates June 5 – July 14, 2023). The space will be adequate for individual desk top work and a separate area for podcast development and broadcast.

7. The parties will jointly endeavor to secure adequate electrical capacity and internet connectivity for the use of the equipment furnished by FSU-PC to MEI.
8. The parties will jointly endeavor to pay monthly utility expenses for the program.
9. Instruction will be, but is not limited to, provided for the following digital programs:
 - Google Docs, Google Sheets, Google Slides
 - HTML/CSS
 - WordPress
 - Social Media
 - Adobe Photoshop, InDesign, Premier
 - Python
10. MEI will provide liability insurance and for the general administration and supervision of Camp Moving Education.
11. MEI will provide adequate housing for out-of-town instructors for Camp Moving Education.
12. FSU-PC will provide accounting and financial disbursement services for its portion of Camp Moving Education.
13. The parties will jointly endeavor to collaborate with the Franklin County School System to dovetail their programmatic offerings.
14. This agreement will be effective for a term of 6 years. This agreement may be extended or amended by mutual consent.

Objectives/ Metrics for Accountability

15. At least 25 participants will successfully complete the digital technology and media program offered by Camp Moving Education.
16. At least one person will obtain industry standard certification (Florida CAPE) as an instructor to build capacity in the community to provide on-going digital education.
17. The parties will jointly endeavor to provide an adult program during the following school year using the space and equipment furnished for Camp Moving Education.

Data Sharing

18. Data collected in these activities, not protected by relevant privacy laws, may be shared specifically to enable joint program evaluation and development, and evaluation by funders. Both parties agree to protect participant data collected by either party and to share data for these purposes in responsible ways. Should any of these data be identified as part of a formal educational record, both parties agree to abide by the Family Education Rights and Privacy Act (FERPA) – the

Federal law that protects the privacy of student education records. All data shared, relevant to FSU PC student achievement and industry certification attainment, will be in accordance with FERPA guidelines.

LEGAL COMPLIANCE

19. The Parties acknowledge and understand that they must work to fulfill their collaboration under this Agreement in accordance with the provisions of the law and regulations that govern their activities. Nothing in the Agreement is intended to negate or otherwise render ineffective any such provisions or operating procedures.

Limitation of Liability

20. No rights or limitation of rights shall arise or be assumed between the Parties because of the terms of this Agreement. Nothing included herein shall constitute: (1) an agreement by either party to indemnify the other, (2) a waiver of sovereign immunity, (3) a waiver of any defense, or (4) consent to be sued by third parties.

Governing Law

21. This Agreement shall be governed by and constructed in accordance with the laws of the State of Florida.

Authorization

22. The signing of this Agreement does not constitute a contract, and as such it simply intends that the signatories shall use their best efforts to achieve the goals and objectives stated in this Agreement.

Execution and Effective Date

23. This Agreement shall be signed by Randall Hanna, Florida State University Panama City Dean and Frenchy Haynes, CEO of MEI.

24. This Agreement shall be effective upon execution by both parties.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: April 11, 2023**

SUBJECT: Request to Expend ARPA Funds on Old Library

AGENDA INFORMATION:

Agenda Location: Old Business
Item Number: 2
Department: Administration
Contact: Travis Wade
Presenter: Travis Wade

BRIEF SUMMARY: Three quotes have finally been received from roofing contractors to replace the roof. A quote from Howard Tech Solutions was received for the electrical/recording/streaming equipment (One other company was identified that provides the same equipment/service, but the City's IT contractor stated that they have had many problems with that company and recommended not using them.) City staff obtained quotes for building materials to complete the inside construction.

Roofing:	\$19,255.00
Howard Tech Solutions:	\$37,517.55
Building Materials:	\$1,424.07
Total:	\$58,196.62
Insurance money for Old Library from Hurricane Michael:	(\$11,020.50)
Requested funds from ARPA:	<u>\$47,176.12</u>

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve

FUNDING SOURCE: ARPA

ATTACHMENTS:

STAFF'S COMMENTS AND RECOMMENDATIONS:

Phone: 1.888.912.3151
 Fax: 1.601.399.5077
 Online: www.howardcomputers.com



Howard Computers
 P.O. Box 1588
 Laurel, MS 39441

Online Quotation

Quote No:	KH10 1281027.00	Quote Date:	March 20, 2023
Customer Name:	Kevin Ward	Phone Number:	8506539319
Company Name:	City of Apalachicola	Fax Number:	
Quote Name:	18494 City of Apalachicola		

Item 1

Category	Description	Qty.	Unit Price	Ext. Price
System Type:	Accessories			
1:	Shure MX418D/S MPN: MX418D/S	10	\$277.00	\$2,770.00
2:	12x8 Audio Processor with AEC and USB audio MPN: Tesira Forte CI	1	\$2,356.00	\$2,356.00
3:	Bose DesignMax DM5C - Speakers - 50 Watt - 2-way - coaxial - arctic white, RAL 9003 MPN: 829683-0210	4	\$420.00	\$1,680.00
4:	Bose FreeSpace IZA 2120-HZ - Amplifier - 2 x 120 Watt - silver MPN: 719782-1430	1	\$723.00	\$723.00
5:	LG 75UR340C9UD - 75" Diagonal Class UR340C Series LED-backlit LCD TV - digital signage - 4K UHD (2160p) 3840 x 2160 - HDR - navy blue, almost black MPN: 75UR340C9UD	1	\$1,351.00	\$1,351.00
6:	Chief Fusion Tilt Wall Adjustable Mount - For Monitors 55-100" - Black - Mounting kit - for LCD display - black - screen size: 55"-82" - wall-mountable - TAA Compliant MPN: XTM1U-G	1	\$325.00	\$325.00
7:	12X Optical Zoom USB 3.0 IP Network RJ45 HDMI CVBS 1920 x 1080p 72.5 degree FOV (Gray) US Style Power MPN: PT12X-USB-GY-G2	2	\$855.00	\$1,710.00
8:	HuddleCam HCM-1-BK MPN: HCM-1-BK	2	\$79.00	\$158.00
9:	HDMI over 50m CAT6 Extender Set MPN: KD-X444SP	2	\$217.00	\$434.00
10:	ATEM Mini Extreme ISO MPN: SWATEMMINICEXTISO	1	\$1,315.00	\$1,315.00
11:	3G-SDI/HDMI 7" Recorder/Monitor MPN: HYPERD/AVIDA03/7	1	\$793.00	\$793.00
12:	SanDisk Extreme Pro - Flash memory card - 256 GB - Video Class V30 / UHS-I U3 / Class10 - SDXC UHS-I MPN: SDSDXD-256G-ANCIN	2	\$46.00	\$92.00
13:	NETGEAR GS108PP - Switch - 8 x 10/100/1000 (PoE+) - desktop, rack-mountable, wall-mountable - PoE+ (123 W) - 54 V (PoE+) MPN: GS108PP-100NAS	1	\$100.00	\$100.00
14:	AMX NetLinX NX Integrated Controller NX-2200 - Network management device - 100Mb LAN, RS-232, RS-422, RS-485 - 1U MPN: FG2106-02	1	\$1,335.00	\$1,335.00
15:	AMX Modero G5 MT-702 - 7.5" Diagonal Class (7" viewable) LED-backlit LCD display - with touchscreen (multi touch) - 720p 1280 x 800 MPN: FG5969-53	1	\$1,030.00	\$1,030.00
16:	Middle Atlantic EWR 10-17SD - Cabinet - wall mountable - textured black powder - 10U - 19" MPN: EWR-10-17SD	1	\$395.00	\$395.00
17:	Middle Atlantic HPQ - Screw kit (pack of 100) MPN: HPQ	1	\$22.00	\$22.00
18:	Middle Atlantic VT1 - Rack panel - black - 1U - 19" MPN: VT1	6	\$19.00	\$114.00
19:	Middle Atlantic U1 - Rack shelf - 1U MPN: U1	1	\$40.00	\$40.00

20:	Middle Atlantic Rackmount Power Strip PD-915R - Power strip (rack-mountable) - AC 115 V - input: NEMA 5-15 - output connectors: 9 (NEMA 5-15) - 10 ft cord - black, white MPN: PD-915R	1	\$114.00	\$114.00
21:	Leviton Bulk Hook and Loop Wrap - Cable wrap - 75 ft MPN: 43115-075	1	\$65.00	\$65.00
22:	C2G - Cable tie - black - 7.5 in (pack of 100) MPN: 43038	1	\$10.00	\$10.00
23:	Hook & Loop Cable Ties 0.5 x 8' (Black, 50-Pack) MPN: WTI-508	1	\$16.00	\$16.00
24:	Flexowrap Expandable Black Tubing Nom Dia. 1 1/4 MPN: FWN125-25BK	1	\$2.00	\$2.00
25:	Pan-Way - Cable raceway drop - ceiling mountable - office white MPN: DCF10IW-X	2	\$21.00	\$42.00
26:	Panduit Pan-Way Standard Fittings for Low Voltage Applications - Cable raceway cover coupler - white - for P/N: LD3IW10-A, LD3IW6-A, LD3IW8-A MPN: CF3WH-E	3	\$27.00	\$81.00
27:	Panduit - Cable raceway fitting - office white MPN: CF10IW-X	2	\$16.00	\$32.00
28:	Pan-Way - Cable raceway fitting - office white MPN: RAFC10IW-X	1	\$23.00	\$23.00
29:	Pan-Way Low Voltage Surface Mount Outlet Box - Surface mount box - office white MPN: JB1DIW-A	1	\$8.00	\$8.00
30:	1-Gang Brush Wall Plate, White MPN: 21629	3	\$7.00	\$21.00
31:	MicroFlex™ Pro AV/IT Integrator 8K 48G HDMI Cable with ProGrip™ Jet Black 6ft MPN: MHD48G-6PROBLK	6	\$25.00	\$150.00
32:	Comprehensive Standard - Audio cable - stereo mini jack male to RCA male - 6 ft - shielded - black MPN: MPS-2PP-6ST	1	\$3.00	\$3.00
33:	C2G 6ft Cat6 Ethernet Cable - Snagless Unshielded (UTP) - White - Patch cable - RJ-45 (M) to RJ-45 (M) - 6 ft - UTP - CAT 6 - snagless, stranded - white MPN: 04036	4	\$4.00	\$16.00
34:	West Penn Wire 291 2 Conductor Shielded Mic Cable 1000 Feet Black MPN: 25291BBK1000	1	\$111.00	\$111.00
35:	1P 16G Speaker Wire PLENUM 500' MPN: 25225BBK500	1	\$125.00	\$125.00
36:	Crestron DM-CBL-8G-P-SP500 MPN: DM-CBL-8G-P-SP500	1	\$376.00	\$376.00
37:	Black 8.5mm RJ45 Colored Boot MPN: RJ45B-BLK	50	\$1.00	\$50.00
38:	RJ45 Cat6A 10Gig Shielded Connector Bag of 50 MPN: 106192	1	\$64.00	\$64.00
39:	1.5' LATCHING DUCT EL WHITE 8' MPN: LD10IW8-A-PAN	3	\$26.00	\$78.00

Sub-Total:	\$18,130.00
Shipping & Handling :	\$350.00
Taxes:	Tax Exempt
Total for Item 1:	\$18,480.00

This quote will expire April 19, 2023.
To expedite your order, please include your quote number with your Purchase Order.

Item 2

Category	Description	Qty.	Unit Price	Ext. Price
System Type:	Accessories			
1:	OPP 18494 Conference Room AV Refresh Labor MPN: OPP 18494 Labor	1	\$9,504.00	\$9,504.00
2:	OPP 18494 Conference Room AV Refresh Programming MPN: OPP 18494 Programming	1	\$4,678.00	\$4,678.00
3:	OPP 18494 Conference Room AV Refresh SSC MPN: OPP 18494 SSC	1	\$3,069.00	\$3,069.00
4:	HTS Contingency Fee MPN: HTS Contingency Fee	1	\$1,786.55	\$1,786.55
			Sub-Total:	\$19,037.55
			Shipping & Handling :	Included
			Taxes:	Tax Exempt
			Total for Item 2:	\$19,037.55

This quote will expire April 19, 2023.
To expedite your order, please include your quote number with your Purchase Order.

Total for all pre-configured items

Sub-Total:	\$37,167.55
Shipping & Handling :	\$350.00
Taxes:	Tax Exempt
Total:	\$37,517.55

Notes:

Pricing and availability subject to change without notice. Packaging, Shipping, and Handling fees are not included unless specifically stated. Prices and lease payments do not include applicable taxes. Ship dates are approximations and are not guarantees. Quick ship items not available in Alaska, Hawaii, or outside the United States. Specific state laws may affect shipment of products.

Any order for kiosks must be canceled prior to 21 days from the scheduled date of shipment to avoid incurring a 50% cancellation fee. Any cancellation made within that 21-day window will automatically incur a charge equivalent to 50% of the total kiosk order being canceled.

Howard reserves the right to charge a 25% restocking fee for cancellation of a purchase order after Howard has commenced fulfillment of the order. Howard may, with notice, cancel any purchase order at any time without any liability to the Purchaser. Howard reserves the right to charge the Purchaser full purchase price for delaying shipment of a purchase order for an extended period of time which then results in the cancellation of said order.

Given the current uncertainties related to international trade, Howard hereby reserves the right to unilaterally revise the prices quoted herein in the event its manufacturing or procurement costs for such goods increase due to the imposition by the United States or any other country of new or higher tariff(s) or of any other similar tax, fee or charge.

If Purchaser fails to pay any invoice in full within the time quoted herein, Howard may, without notice, accelerate the due date of all outstanding invoices and require that all outstanding invoices, including any interest thereon, be immediately due and payable in full.

Howard's product warranties and return policies and related information, which are available at <https://www.howardcomputers.com/support/warranties.cfm> and <https://www.howardcomputers.com/support/returnpolicy.cfm>, are fully adopted and incorporated herein by reference. These may also be obtained by calling 1-888-912-3151 or emailing webmaster@howardcomputers.com.

THIS QUOTATION IS EXPRESSLY LIMITED TO, AND EXPRESSLY MADE CONDITIONAL ON, PURCHASER'S ACCEPTANCE OF THE TERMS SET FORTH OR INCORPORATED HEREIN; HOWARD OBJECTS TO ANY DIFFERENT OR ADDITIONAL TERMS.

City Manager Updates:

Battery Park Boat Ramp Kiosk: There have been some hiccups along the way and some fines were levied, but the number of people being fined has gone way down lately. During 2022 from January 1 through March 31, the Battery Park Boat Ramp fees totaled \$2,237.75. From January 1 through March 28 of this year, the fees have totaled \$10,262.

Riverfront Revitalization (CDBG-DR): Bree, Kendall, and I met with Halff Engineering and their subcontractors for site visits at the Riverfront Revitalization sites. Engineering on the commercial projects will begin first and City projects will follow. The commercial properties are the Water Street Seafood docks and demolition of two old buildings, Scipio Creek Marina docks, Water Street Hotel and Marina docks, and JV Gander docks and building demo.

Airstream Rally at Battery Park: The Airstream group that attended the rally at the Battery Park area March 16 through 19 stated that they enjoyed their stay. They reportedly spend plenty of money locally and paid the City over \$2k for the camping spots.

5th Street Water Tower: The water tower project has been completed. The interior and exterior has been sandblasted and painted. Samples are being taken to clear the tower with FDEP to place it back online.

FCS Career Day: Bree Robinson, Sheneidra Cummings, and myself attended Career Day at the Franklin County School on March 24. We spoke with several young students about careers with the City and handed out some swag as well. There was a large turnout by students and vendors.

WWTP: The Commission approved Dewberry as the engineering firm who will be designing the new wastewater plant at a previous meeting. I have signed the task order starting the process last week. As we receive updates I will share them with the Commission.

Grant Updates – Kendall Falkner

City Commission Meeting – Tuesday, April 4th, 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. **Preparing to apply for Q2 quarter. Currently gathering necessary information and documentation. Cycle opens 4/6 and closes 4/13.**

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 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 phase I, as recommended in that report. (We must 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 completed Comp Plan Draft with recommended changes that were presented at March 7 Commission Meeting and March 13 P&Z Workshop. DEO is currently evaluating.**
- **First deliverables have been sent and are currently being evaluated by DEO.**

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.
- One bid was received for Architecture, Design, Permitting, and Engineering. Per procurement procedures, COA will need at least two bid proposals. We will re-open the bid window for 28 days after approval from DHR.
- Received approval and have re-advertised RFP to run in the Democrat. Project pushed out until April 28th.

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.

- **ITB is scheduled to run in the Tallahassee Democrat on March 24th and March 31st. Will need competitive bids for generator installation before moving forward.**

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. **This is great news!**

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. **A contract with Oliver-Sperry is currently being developed for the work. A minor contract amendment between the State and City is being drafted to reflect reallocation of funds between categories. 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. **The City has readvertised the project with a May 4 selection date. The City and State contract was amended to accommodate temporary structural support in advance of year 2 funding. Staff will seek an extension for this project from DHR.**

12. FDOT City Landscaping-City was reimbursed for \$193k landscaping costs after FDOT inspection and reimbursement package sent in. Landscaping and maintenance have been “completed.”

- 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.**

- Filed for last bit of reimbursement in November. (6k)
- **Reimbursement of remaining 6k received and project closeout complete!**
- **Waiting for re-plant in 2023 per contract warranty.**
- **Project closed out, in legal department.**

13. 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!

- **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.
- 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.
- 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.
- **Met with DEO via Teams meeting along with Grant Administrator from Gouras & Associates. We are waiting for the task order from Dewberry and pushing Engineering and Environmental status by end of week (Friday March 3, 2023).**
- **Dewberry was selected for this project. All contract comments from DEO have been addressed. DEO authorized execution of the engineering services agreement on 2.13.23; the continuing services agreement with Dewberry was executed on 2.24.23.**
- **Task Order with Dewberry for Engineering Services executed March 14, 2023. Engineering is underway! This is great news!**

- Gouras & Associates is coordinating project information with Dewberry to begin stakeholder outreach for the environmental review record.

14. 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.**
- **The City has been working with CDG on a task order that falls within the project budget.** The current version is under review with the City. Once reviewed by the City, this can be submitted to DEO for authorization to execute.
- **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. 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. **City Staff met with Halff for a site inspection on 3/14. Specifics were addressed and revised Task Order being created as of 3/30/23.**

- **Once an engineer is on board, we'll be able to confirm scope of work and begin environmental review.**

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)**

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.

Invitation to Bid (ITB) have been posted on the website and will be advertised in the Tallahassee Democrat on March 24th and 31st. The window for submission will close on April 28th.

- **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.**
- **Michael FEMA Projects Updates**

- **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.**
- **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).**
- **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.**
- **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.
- **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**
No movement on the 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. **Close out has been submitted. Will monitor for all final payments being made to the City!**
- **Department of Historical Resources 2023 Small Matching Grant – Black History Trail. FUNDED!** Scope has changed slightly as some work has already been completed. (signage)
 - **Agreement has been signed and scope modified!**
 - **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**
- **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.)**
 - **Workshop and Board Action Request on 3/7.**
 - **Wording and sites approved. Contracts have been signed and a preliminary template design has been drafted and presented to staff/volunteers. Note: all designs will go through a workshop/board action process again.**

15. DEP Applications – Resilient Florida + Water Restoration Assistance - WWTP & Vulnerability Study

WWTP-

Grant #2 is an application for the WWTP totaling \$14 million - the City of Apalachicola was approved for the full \$14 million for new equipment and relocation. DEP contacted us and let us know we had 2 duplicated grant efforts both submitted to them. Both are for the WWTP – and combined could cover the entire WWTP Project costs, headworks and all. DEP has agreed, with some preliminary efforts to ensure the scope and pricing are as they should be. **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 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. DEP authorized execution on 3.15.23. Task order is currently pending city execution.

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!**

16. 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.
- Reimbursement request approved! Funds in the amount of \$299,526.05 were deposited on 3/24/23. **PROJECT COMPLETED!**

17. Coronavirus State and Local Fiscal Recovery Funds (SLFRF) – American Rescue Plan –

The City formerly made an 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; plan for April 30th Report to be completed this date.**

**All information included in this report is accurate as of March 31, 2023 at 12:00pm. 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 – April 11, 2023 – 4:00pm

1. Banyan

Data has been converted and training is set to begin. We should be able to go live by the end of the month.

2. 5 – Year Capital Improvement Plan

I have updated the capital improvement plan to include the projects funded by grants. We still need to add any projects that we anticipate funding or trying to get funding for within the next five years.

3. Financial Reporting

I anticipate having finalized financial reports for the 2021-2022 fiscal year as well as year to date financial reports for fiscal year 2022-2023 at the May meeting. I apologize for the delay but finalizing 2022 much more challenging than I anticipated as a good bit of the first six months of the year had to almost completely be rebuilt in order to balance everything.

A Workshop of the Apalachicola City Commission was held on Monday, March 6, 2023 at 5:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

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

Mayor Ash called Workshop to order.

AGENDA ADOPTION

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

ENCROACHMENT DISCUSSION

Attorney Hartman stated this is the second workshop addressing encroachments. Attorney Hartman outlined documents presented by Historic Apalachicola Partnerships for Preservation (HAPPI).

Bonnie Davis and John Alber further outlined HAPPI's encroachment ordinance recommendations.

Dennis Winterringer discouraged the Commission from prohibiting the planting of trees in the right of way.

Further discussion included non-conforming historic structures, non-conforming structures, balconies over sidewalks, educating the public, and vegetation on right of way.

Commission agreed for Attorney Hartman to draft ordinance based on HAPPI's recommendations and bring back before the Commission for another workshop.

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

Brenda Ash, Mayor

Lee Mathes, Assistant City Clerk

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

Present: Mayor Pro-Tem 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 Pro-Tem Grove called workshop to order.

AGENDA ADOPTION

No motion.

ACSC WORK PLAN STAKEHOLDERS DISCUSSION

Julie Dennis gave overview of project and meeting goals, reviewed current infrastructure project inventory and grant inventory, and facilitated discussion for additional infrastructure projects.

City Commission and public discussed additional infrastructure projects such as workforce housing .

There being no further business, workshop adjourned.

Anita Grove, Mayor Pro-Tem

Lee Mathes, Assistant City Clerk

A Workshop of the Apalachicola City Commission was held on Tuesday, March 7, 2023 at 2:00 PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Pro-Tem 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 Pro-Tem Grove called workshop to order.

AGENDA ADOPTION

Motion to adopt agenda made by Commissioner Elliott, seconded by Commissioner George. Motion carried 3 to 0.

BLACK HISTORY TRAIL DISCUSSION

Willie Tolliver and Val Webb gave presentation of historic buildings chosen for the Black History Trail.

Discussion held concerning the narratives for the markers. Markers will be metal meeting park services standards.

Motion to adjourn made by Commissioner George, seconded by Commissioner Elliott. Motion carried 3 to 0.

Anita Grove, Mayor Pro-Tem

Lee Mathes, Assistant City Clerk

A Workshop of the Apalachicola City Commission was held on Tuesday, March 7, 2023 at 3:00 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 called Workshop to order.

AGENDA ADOPTION

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

COMPREHENSIVE PLAN DISCUSSION

Cindy Clark and Rebecca Jetton outlined updates that is required for the Comprehensive Plan due to statutory requirements and how changes affect each element within the Comprehensive Plan. Statutory requirements must be included within the Comprehensive Plan before any amendments can be done.

Public comments received from Apalachicola Riverkeeper and Historic Apalachicola Partnerships for Preservation.

Discussion held concerning preservation of City plat and squares, additional updates needed to Comp Plan, and applying for future technical assistance grants to continue Comp Plan amendments.

Mayor Ash suggested the City move forward with the statutory requirements at this point because nothing can be updated or changed without those requirements included within the Comp Plan, and then hold future workshops for other Comp Plan amendments.

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

Brenda Ash, Mayor

Lee Mathes, Assistant City Clerk

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. No movement on the 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 Excerciser	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
Infulent 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

Facilities									
Community Center - Other	25,000					Funded	Budget		
African American History Museum Match	250,000					Funded	Budget		
Police									
Truck	41,000					Funded	Budget		
Public Works									
Truck	41,000					Funded	Budget		
Stormwater Project - State Appropriation	50,000					Funded	Budget		
Street and Sidewalk Repairs	35,000					Funded	Budget		
TOTAL	2,443,794	-	-	-	-				

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.

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
WORKSHOP & REGULAR MEETING
Monday, March 13th, 2023
Community Center - 1 Bay Avenue
Minutes

Attendance:

- **Al Ingle - Chair, Bobby Miller, Jim Bachrach, Justin McMillan, Joe Taylor, Lee McLemore, Chase Galloway**

Workshop – Comprehensive Plan 5:30 PM

1. Presentation from Bay Media Services, Cindy Clark - The attached document represents proposed changes to the City of Apalachicola's comprehensive plan prepared as part of an evaluation of the City's plan funded through a DEO Community Planning Technical Assistance Grant. The review includes an evaluation of the City's comprehensive plan for consistency with State Comprehensive Plan Requirements and includes legislatively-mandated recommended draft revisions. Based on the statutory review, revisions are recommended for the following sections: Planning Horizons, Peril of Flood, Private Property Rights, Capital Improvement Planning, Water Supply Planning and Population estimate data and analysis. The statutory citations, as well as recommended revisions are represented in stroke-through and underline format. Additional recommended, but not required, revisions are identified in a separate section following the legislative requirements.
 - **Cindy presented document titled "City of Apalachicola Comprehensive Plan Review (mandates and recommendations) DRAFT 3-7-23". This document is attached to these minutes. Rebecca Jetton accompanied Cindy and presented document titled "Principals for Guiding Development". This document is attached to these minutes.**
 - **The board discussed the documents and made comments about the property rights elements being important in the City of Apalachicola and opened the floor for public comment.**
 - **The HAPPI citizen group (Historic Apalachicola Partners for Preservation, Inc.) distributed and presented their own document which includes general observations, recommendations, and a section titled "Existing Goals, Objectives, and Policies in 2013 City Comprehensive Plan Related to Historic**

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
WORKSHOP & REGULAR MEETING
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Preservation". The HAPPI documents are attached to these minutes. The HAPPI representative focused on historic preservation and the historic guidelines – they asked that the planning horizon for this element not be as far out as 2040 and asked that it be a short-term goal. There was also a question as to if the historic guidelines are part of the City LDC or not – City Attorney Dan Hartman stated they were repealed when Municode was codified, but this could be a subjective standard. Currently, the historic guidelines are not recognized as City code.

- Another citizen comment was made that they would like to see a focus on assisting and planning for low to moderate income housing.
- The board discussed the historic perseveration element and were open to shortening the time for this element to a 5-year planning horizon, but no motion was made as they agreed that they could discuss it in depth at the next workshop.
- Cindy closed the workshop by stating this was 1 of 2 preliminary workshops before the joint workshop with the City Commission will take place – she asked that any suggestions and comments be sent to staff. After the 2nd P&Z workshop, there will be a call to action on the regular meeting agenda to move forward with a joint workshop.

Regular Meeting: 6:00 PM

1. Approval of February 13th, 2022 regular meeting minutes.
 - Motion to approve by Jim Bachrach; 2nd by Bobby Miller. All In favor – motion carried.
2. Review, Discussion and Decision for Shed. (R-3) @ 354 25th Avenue. Block 221, Lots 3-4. For Sandra Williams -Owner; Contractor: TBD
 - Applicant had not signed the certification page of the application at the time of submittal. This page was signed at the P&Z meeting and is attached to these minutes for the record.

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
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- **Motion to approve by Jim Bachrach; 2nd by Bobby Miller. All in favor – motion carried.**

- 3. Review, Discussion and Decision for New Construction. **(R-2) @ 170 19th Ave., Block 247, Lots 3-7.** For Frank Pearsall -Owner; Contractor: Heath Galloway
 - **Motion to approve by Bobby Miller; 2nd by Jim Bachrach. All in favor – motion carried.**

- 4. Review, Discussion and Decision for Deck Addition, Fence. **(C-4) @ 301 Market Street, Blocks L, M, N, O.** For Thurman Ross -Owner; Contractor: Southern Shores Builders
 - **Motion to approve by Jim Bachrach; 2nd by Justin McMillan. All in favor – motion carried.**

- 5. Review, Discussion and Decision for Shed. **(R-2) @ 142 13th Street, Block 90, Lots 1 & SE ½ Lot 2.** For Patricia Lane -Owner; Contractor: Bestway Portable Buildings
 - **Motion to approve by Justin McMillan; 2nd by Lee McLemore. All in favor – motion carried.**

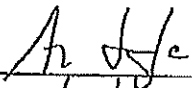
Other/New Business: N/A

Outstanding/Unresolved Issues: N/A

After adjourning the regular meeting, a public hearing for a Special Exception request will begin.

Motion to adjourn by Jim Bachrach; 2nd by Bobby Miller. All in favor – meeting adjourned.

Minutes approved by Chair; AI Ingle:
Date:



3/16/23

CITY OF APALACHICOLA
BOARD OF ADJUSTMENT
QUASI-JUDICIAL PUBLIC HEARING
WEDNESDAY, MARCH 15th, 2023
Community Center - 1 Bay Avenue
Minutes

Attendance:

- Board of Adjustment: Chair – Carrie Kienzle, Dennis Winterringer, Tricia McLemore, Lois Swodoba, Dodie Alber
- Staff – City Attorney Dan Hartman, City Planner Bree Robinson

Quasi-Judicial Public Hearing: 5:30PM

- The attached Quasi-Judicial Rules of Procedure were followed for both variance requests. The Chair, Carrie Kienzle, gave a summary of both variances being requested and the meeting and called the meeting to order.
1. Review & Discussion for proposed new construction of a home on the parcel located at the corner of 6th Street and Bay Avenue (R-1 Single Family Residential), more specifically described as Block 26 Lot 1 or 10 6th Street, into the required 15' front setback from 6th Street. Applicant is requesting approval of a 0' front setback.
 - City Planner, Bree Robinson, referenced the proof of notice for both variances as found in the City Staff Findings section of the agenda packet. She also noted that the letters received back from the public notice were tallied and for the first variance, there were 6 in support and 3 against. The comments of the letters were included in the City Staff Findings.
 - Board members disclaimed any ex-parte communications they received before the meeting – Dennis Winterringer submitted an email he had received from a citizen for the record.
 - City Attorney, Dan Hartman, provided a brief description of all documentation being entered into the record. (Written evidence that the board is making their decisions based upon.) This included: the agenda packet and applications, the staff findings report, letters received, and any ex-parte communications presented. Dan also noted that this includes public comments made in the meeting.
 - The applicant presented the application for a variance request of a 0' front setback, opposed to the required 15' front setback, on 6th Street at address 10 6th Street. The arborist that the applicant consulted with on this application also presented his findings. Application and arborist findings are all in the agenda packet – the arborist stated he agreed that the 15' shift up from the rear setback was necessary to preserve the health of the 150 year old Oak tree. The BOA Chair, Carrie, allowed time for board members to ask questions and for citizen members to ask questions of the applicant.

CITY OF APALACHICOLA
BOARD OF ADJUSTMENT
QUASI-JUDICIAL PUBLIC HEARING
WEDNESDAY, MARCH 15th, 2023
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- Board member, Lois, asked if the current home would be moved if the new construction with the variance were to be approved and the applicant answered yes, it would be relocated to another lot in city limits.
- Board member, Dodie, asked if there was any way they could build a home within the setback requirements while also having the space to save the tree. The applicant stated that if he were to move his house design back 15' that major trimming of the patriarch Oak tree would occur and the tree might suffer. Dodie followed up and asked if it would be possible to build a smaller house while saving the tree. The applicant stated that it would be possible, but that their living space was already around 1,300SqFt on the bottom floor and they desire to have porches, which do add some more square footage and are necessary for views of the park and marina.
- Board member, Dennis, stated he is sympathetic to the patriarch tree and the square footage of the home was reiterated. Dennis asked if a redesign to achieve setbacks was possible. The applicant discussed the root system of the tree and how he did not want to drive over the roots habitually, so he had laid out the home and driveway as far from the bulk of the root system as possible.
- The Chair, Carrie, asked the public if they had any questions of the applicant. There were no questions at this time.
- At this time, the City Planner, Bree, went over her findings report and noted that there was a minimum variance option where we could ask the applicant to redesign if not granted the full variance and still have a sizable home, but that the COA Code does allow the BOA to grant variances to save patriarch trees and understands that they are asking for the 15' of front setback, due to having to push their design 15' up from the rear setback. Her recommendation was to take the minimum variance into consideration, but also referenced that the Code allows for variance in this situation. There were no questions asked of staff at this time.
- Public testimony in support or opposition of granting this variance began. A very nearby neighbor presented that he had no issue with the variance – he stated that having the McLeod house in line with theirs on the street would be a great thing and he was in high favor of saving the patriarch Oak. A representative from the HAPPI citizen group offered public comment and stated they didn't see a hardship with this case, but that the tree ordinance is effective in this instance. HAPPI believes that the applicant should get a like swap of footage for saving the tree not past the property line, as a blend of the variance code and tree ordinance. Another direct neighbor spoke and stated that he was in support of this request. He stated that if the house was moved back to be within proper setbacks that they could lose the shade from the tree and he felt it would infringe upon him more than if the variance was granted.

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BOARD OF ADJUSTMENT
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WEDNESDAY, MARCH 15th, 2023
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- Board Deliberation – Dodie noted that the applicant had made a request for a 0’ setback and had another suggestion in the application for a 7’ setback. The applicant stated that this was just added for a question in the application on if there was a second less intrusive option, but this is not in line with the arborist opinion on what it needed to save the patriarch tree. Lois stated that the applicant is very right to be concerned about the tree and she has seen a large patriarch oak tree killed from root damage. Carrie agreed. Carrie explained what options were before them and asked if there was a motion to make. Dennis reiterated that there is an option to redesign and obtain fair square footage while following the standard setbacks and that moving the garage or parking area might help the tree. The applicant stated that the parking garage will be built on the same spot as a structure that has been there for 40 years and that the tree has grown around. He also remarked that a lot of time had been spent on the designs and that utmost caution has been taken to preserve the oak tree and if he were to redesign that he would not be able to use the driveway. Carrie asked if there would be less cement present on the site after construction and the applicant said that there would be less.
 - Carrie stated she was pleased that the cement was going to be less and that she does not make motions, but she feels they are within the guidelines to give the applicant the requested variance.
2. Decision on Variance Request for a 0’ front setback. (R-1) @ 10 6th Street, Block 26 Lot 1. For Roderick McLeod. – Owner
- Tricia McLemore made a motion to approve the 0’ front setback on the variance and the following was stated: the setback is the minimum reasonable encroachment into the setback for reasonable use of the property, as the applicant is exchanging 15’ from the rear buildable area with the 15’ front setback in order to preserve the patriarch tree. The ROW being larger than normal in City limits, 100’, was also noted. The timeline for this variance to be permitted in construction is 2 years and not grandfathered in if the applicant were to sell the property before construction. Lois Swoboda seconded the motion.
 - Carrie, Tricia, Lois, and Dodie in support – Dennis opposed. 4 I’s and 1 Opposed. Motion carried.
3. Review & Discussion for proposed new construction of a home on the parcel located at the corner of Bay Avenue and 7th Street (Not Constructed) (R-1 Single Family Residential), more specifically described as Block 193 Lots 1-5 or 94 Bay Avenue, into the required 15’ front setback from Bay Avenue, the required 15’ corner side setback from 7th Street, and the required 20’ setback from the wetlands. Applicant is requesting approval of a 3’ front setback, a 0’ side corner setback, and a 5’ wetlands setback.

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- City Planner, Bree Robinson, referenced the proof of notice for both variances again as found in the City Staff Findings section of the agenda packet. She also noted that the letters received back from the public notice were tallied and for the second variance, there were 2 in support and 8 against. The comments of the letters were included in the City Staff Findings and she stated that the bulk of the comments referenced the wetlands setback request in a negative manner, with only one mentioning the road safety aspect in reference to the front setback request.
- Board members disclaimed any ex-parte communications they received before the meeting – Dennis submitted an email he had received from a citizen for the record that asked that the wetlands setback not be granted. Dodie Alber stated she also received the same email. Carried stated she also received a lengthy email from a citizen against the wetland setback request.
- City Attorney, Dan Hartman, provided a brief description of all documentation being entered into the record. (Written evidence that the board is making their decisions based upon.) This included: the agenda packet and applications, the staff findings report, letters received, and any ex-parte communications presented. Dan also noted that this includes public comments made in the meeting.
- The applicant presentation began with the applicant, Mark Heidt, stating that their request for the 0' side setback and the 5' wetlands setback variances were being withdrawn, after seeing the outlook from the public noted in the Staff Findings report was overall negative. The applicant stated they were only moving forward with the request for a variance from the front setback, which had been requested for a 3' setback, but with their redesign efforts they were requesting the board to consider a 0' front setback on Bay Avenue at this moment.
- George Coon, architect and representative for the project, presented a visual of the revised site plan with only the 0' front setback variance request on Bay Avenue. This visual is attached for the record. The home design would have to be altered to meet the rear and side setbacks, but they would like to take the home footprint and move it over the center of the site. This would remove the need for the wetland setback and would not effect a nearby large cypress tree that was a concern. The project architect stated that the footprint of the home would not be big and they were looking at around 1,800 SqFt ground floor footprint – they are trying to follow the visual design of the neighborhood for the architectural compatibility aspect. The same arborist from the first variance presented on behalf of the second variance and stated that the house design would not have a negative effect on the cypress tree within the wetlands of this property. Project architect stated that new redesign have not been created yet, but a variance would allow for them to design a reasonable size use home while meeting the other standard setback

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requirements. At this time, the BOA Chair, Carrie, allowed time for board members to ask questions and for citizen members to ask questions of the applicant.

- Board member, Dennis Winterringer, asked George Coon to speak on the wetlands line shown on the survey and asked if it was approximate. George Coon stated that a wetlands delineation would need to be performed to determine the exact line and points, but the shown line was the surveyors discretion. Dennis stated that it seemed like the key determination on this request would be the site specific evaluation that needs to be performed. City Planner, Bree, agreed and stated that the wetlands delineation would need to be performed by an environmental professional and that would be the standard that the Planning & Zoning board would take into account for this property to meet the 20' required wetland setback. City Attorney, Dan Hartman, commented that if the wetlands delineation comes back much higher on the property than assumed that the reason for variance might have increased and that the applicant might come back for the variance if it is turned down at the current meeting. Dennis stated he would hesitate to make a decision on the reasonable use based on a not exact line shown on the survey. Applicant stated they agree to meet the 20' setback wherever it is after wetland delineation is performed and it is just a matter of how close they can get to Bay Avenue within their property lines.
- Board member, Dodie Alber, asked what the square footage of the revised house plan would be and if it is two-story. George Coon stated that he does not know yet, as the redesign would be based on the variance allowance if granted and the visual he handed out isn't the final and they would be removing decking, etc., but it would be 2-story. Applicant is seeking to build the nicest looking house possible for the neighborhood, meet the required side and wetlands setback, and wants the front variance considered for size of the home.
- George Coon stated that a variance for this property was granted by the BOA in 1991 allowing for a 0' front setback and a 10' wetlands setback for Lots 1-10 of Block 193– the variance was affirmed by City Staff and City Attorney in 2004. City Attorney, Dan Hartman, stated that it was a 1991 approval and 2004 ratification and it is recorded in the Franklin County Courthouse records. City Planner, Bree, states that the wetlands approximation line has changed since even 2004 and appears to have risen on this property when comparing the surveys from then and now. She clarified that this means that at the time of approval and ratification of the former variance that buildable area of this property was actually larger than it is now and it was still granted a variance – the applicant/owner currently has less buildable space and is asking for just the front variance to be able to build a reasonable sized home. The referenced variance from 1991 is not applicable in this request.

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- George Coon stated that the applicant could build a home without variance that could be around 15' wide, but this would be a shotgun house on stilts and would not likely visually fit in with the neighborhood.
- Chair, Carrie, asks what is the hardship? On behalf of the applicant, George Coon states that it would be the cypress tree and not being able to build a reasonably sized and visually appealing home without the variance.
- A representative from the HAPPI group asked if shifting the home design from side to side more would alleviate the need for the variance on the front street side? George Coon stated no, as they have already shifted it to the widest buildable section in the middle to avoid encroaching into the wetlands.
- At this time, the City Planner, Bree, went over her findings report and noted that since the variance request has changed that there are sections of her report that are no longer applicable. She did note that in this particular case, the applicant was aware of the building constraints present on this lot at the time of purchase in January 25, 2022. She also noted that from the edge of the property line to Bay Avenue there is still going to be at least 30' and 35' of vacant ROW space even if the applicant did receive a variance to build all the way up to their property line – she referenced a citizen comment from the letters that was concerned about pedestrian safety along Bay Avenue. She referenced the applicant's hardship of there being very little buildable area to build a reasonable size home and stated that from her own measuring, if the applicant were to obey all setbacks with no variance, that the potential build could only be an estimated 10' wide and the other side could be around 12' and the center might reach 20', but that they would be looking at a very, very narrow house on stilts on Bay Avenue. With all of this taken into account, staff opinion was for the BOA to consider granting a front variance for the applicant to build a reasonably sized and visually appealing home. There were no questions asked of staff at this time from the board or the public.
- Public testimony in support or opposition of granting this variance began. A representative from HAPPI stated that they did not originally see a hardship in this variance request and that their original suggestion on the side setback was to treat this lot as an internal lot, since 7th would likely never be constructed next to this property. They also stated that the LDC states to not consider neighboring lands for variances, but then mentioned past precedence that a variance had been denied a couple of lots down on Bay Avenue for similar reasons and states that HAPPI is concerned about the precedent that could be set at this current meeting. (reference to the Moon case in 2018.) Chair, Carrie, stated that the BOA is not considering decisions of the past and was just pointing out that had happened and that this is a separate decision. City Planner, Bree, commented that we are to treat variance request as single issues and they are all

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different - the past denied request was a variance so the lot could accommodate a large house for a large family and the applicant was not willing to take less than requested and wanted a definite yes or no. She also mentioned that the lot from that case was already buildable for a reasonable home without variance and the board did not see a hardship in that instance to grant one.

- Another citizen commented, a nearby neighbor, and asked that as the variance request for the front setback has shifted from 3' to a 0' request, if the public notice aspect of the request was still valid? City Attorney, Dan Hartman, stated that the public notice was still valid and adequate notice was given that an applicant was presenting requests for a variance to the BOA – it is up to the BOA to determine if a hardship is present, if a variance is necessary, and to what extent is necessary for reasonable use. This can change during the BOA process, so the public notice is valid. The citizen then asked if there was a stormwater aspect and if adding the impervious area to the lot would make the stormwater issues worse? City Planner, Bree, stated that this is an aspect covered through the Planning & Zoning process and assuming that the applicant does come back with a design to build, variance or not, that they would still be held to the standard 40% lot coverage and would have a residential stormwater plan. George Coon commented and stated that when the house plans are engineered and designed that stormwater would be taken into account and there will be a plan in place.
- A citizen stated that she is an architect and that she agreed that George Coon did a good job on the home design. She mentioned the original nature of Bay Avenue, as it was open views, and that considering the visual aspect of the neighborhood as a hardship is not a true hardship, as allowing them to build any bigger home with variance is a bigger disconnect for the citizens of Apalachicola from the bay. She mentioned that the design of the home would build up as high as possible according to the height ordinance (35') and while it is buildable as-is with no variance that she is in favor of keeping Apalachicola and Bay Avenue as it is. She also stated she was in favor of the board waiting to decide on this item until a full redesign could be done, as in her opinion there were questions and confusion. Attorney Dan Hartman commented that citizens are encouraged to apply for a variance before doing all of the costly work to design something, as they're not certain on what footprint they'll be allowed – the applicant is bound to design a home within the setbacks granted by the Code and/or the BOA through variance. Board member, Dennis, commented that the BOA is just for variances and that P&Z handles the responsibilities of the architectural review board.
- Board Deliberation – Dennis stated that he was struggling to make a decision since the wetlands line seems to be in question until a wetland delineation could be properly performed – the wetland line will be a factor in establishing if there is a need for variance

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or not, how much of one, and where. Chair, Carrie, asked the board for their thoughts on this currently and offered up her own. She stated she really appreciated the applicant respecting the wetlands and changing their request, but that the applicant was aware when buying the lot that it is very wet land and “buyer beware” is factor in this – she does not believe this area should be built on and she does not see a hardship when the applicant knows what they’re buying. City Attorney, Dan Hartman, stated that the question is whether the proposed use of the property is a reasonable use and that the BOA cannot tell the applicant that their lot is unbuildable, but that their decision should only be if the use is going to be reasonable and that is subjective to the BOA decision. Chair, Carrie, commented that there is enough land to build something on this lot, but they are deciding if the variance is necessary for reasonable use or not and she feels they cannot determine the reasonable use or not without knowing exactly where the wetlands end and begin. City Attorney, Dan, commented that the BOA is in a situation where they are having to make a decision based off of only what information they have currently and that the applicant is taking a risk by presenting the approximation and not exact lines. City Planner, Bree, stated that she was just reiterating that the applicant could still build here without variance if the approximation is correct, but that the house would just be extremely narrow, 10-15’ wide, and that the BOA will just have to determine if that is reasonable. George Coon commented that yes, they could build a narrow home, but they are seeking the variance to build something more suitable for the area and that they are taking a risk that the wetland line are higher up on the property than shown, as they’ll still have to follow the 20’. Dodie Alber stated that variances should not be granted if they are contrary to the public interest and if enforcement would result in unnecessary hardship and that the purchase of the property with restrictions in mind are not considered unnecessary hardship and she has some issues with granting the variance. Chair, Carrie, referred back to attorney comments about allowing for reasonable use and questioned that by not granting a variance is the BOA putting them in a situation of not being able to have reasonable use of their property? She deliberated that if they grant the variance is it within reasonable use or if they don’t grant the variance are they denying the reasonable use of the property. Lois stated that she believes reasonable use of this land is building within what is currently available and allowed – she also stated she is familiar with this property and is concerned that the wetland line, once delineated, was going to higher than precedented. George Coon commented that when the line is delineated they may find that the line is closer to Bay Avenue, in which case they still have to be 20’ from the wetlands and 15’ from the front property line, so they will not have enough buildable area left to build a reasonable home – they already feel the constraints on the width is not reasonable and worthy of a variance. Chair, Carrie, asked

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the attorney if not having a motion is an option – attorney, Dan Hartman, commented that if the applicant asks for a decision today that it is required for the board to make a final decision one way or the other. He went on to say that since the request has changed and with the board not knowing the exact wetland line, it would certainly be okay for the board to ask the applicant for a determination of the wetland delineation and for the variance request to be continued at a later date to better determine how much buildable area is there really and if there a reasonable use possible, all if the applicant is willing for the request to be tabled. At that point, the board could make a clear decision on what is reasonable and what they are approving or denying. Chair, Carrie, asked how wide the applicant would want to build and the applicant answered 30' with a 0' setback, but they also agreed to redesign the home, so they are willing to redesign dependent on what variance might be allowed, whether it be a 5' or 10' front setback, etc. Chair, Carrie, asks the board what their thoughts are on asking the applicant to have a wetland delineation performed and then continue the variance request at a future date (table) to determine the reasonable use of the property and width of the home if the applicant is willing or if they would rather make a decision today. Tricia stated she would prefer to come back to it when the applicant has more information and all of the facts for the board to consider. Dennis is in favor of seeing the issue tabled until more information on the wetland line is available – he stated that if they need to come to a decision today that he can't approve it. Attorney, Dan Hartman, stated that the item could be tabled and the board could continue this again once the applicant has submitted the updated information – the public notice requirements will be met before the next meeting for the tabled item is set. Chair, Carrie, stated that along with the wetland delineation she would like to see two options at the next continued meeting: (1) an option of what the house dimensions would look like with no variance and (2) an option of what variance is requested and what that design and dimensions would look like. The applicant, Mr. Heidt, and his representative, George Coon, both agreed this was possible and stated it would be helpful to see what the reasonable use will look like – Mr. Heidt requested it be tabled pending the wetlands delineation and the possible designs. Chair, Carrie, thanked the applicant for their flexibility and asked the board for a motion to table.

4. Decision on Variance Request for 3' front setback, 0' side corner setback, and a 5' wetlands setback. (R-1) @ 94 Bay Avenue, Block 193 Lots 1-5. For Sarah Polow – Owner; Represented By: George Coon
 - Dodie made a motion to table the variance request pending a wetlands delineation and redesign from the applicant; Dennis Winterringer seconded the motion.
 - Carrie, Tricia, Lois, Dennis, and Dodie in support – 5 I's and 0 Opposed. Motion carried.

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Other/New Business: N/A

Outstanding/Unresolved Issues: N/A

Motion to adjourn by Lois Swodoba; 2nd by Tricia McLemore. All in favor – meeting adjourned.

Attachments:

- Rule of Procedures for BOA
- Ex-Parte Communications
- Revised Visual by George Coon

(Letter Responses are available in City Hall by Public Records Request.)

BOA Meeting Minutes Approved by:

Chair – Carrie Kienzle

Date

FINAL ORDER
VARIANCE APPROVAL

The purpose of this Final Order (Order) is to memorialize the City of Apalachicola's Board of Adjustment Board's (BOA) approval of the Variance Application submitted as presented to the VAB on March 15, 2023 with conditions.

Specifically, the application by Roderick D. Mcleod at 10 6th Street, Apalachicola, FL for a Variance to allow proposed new construction of a home on the parcel located at the corner of 6th Street and Bay Avenue (**R-1 Single Family Residential**), more specifically described as Block 26 Lot 1 or 10 6th Street, into the required 15' front setback from 6th Street and approval of a 0' front setback.

The City acknowledges that the current zoning and land use of the property are appropriate for the applicant's proposed use.

The BOA determined based on the competent substantial evidence in the form of testimony and documentation introduced at the Quasi-Judicial hearing that the Variance application should be approved. All relevant testimony and documentation relied upon by the BOA to reach its decision are as described in the Minutes attached hereto. The Minutes are incorporated herein by reference. As part of the City's final action approving the Variance certain condition(s) were attached. These condition(s) are as follows:

1. The Variance approval shall be effective for two (2) years from the date of this Order, and not grandfathered in if the applicant were to sell the property before construction.

Chairman Carrie Kienzle
Board of Adjustment
Apalachicola, Florida

Date: _____

DISCLAIMER:

The approval represented by this Variance does not create any right on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of any other development/building permit if applicant fails to obtain requisite code, regulations, approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of local, state or federal law.

NOTE:

Per section 166.033, F.S. this Order is expressly conditioned upon the Applicant obtaining all applicable state and federal permits before commencing development.



CITY OF APALACHICOLA CODE ENFORCEMENT

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

CODE ENFORCEMENT OFFICE

March 2023

9 Tree Permits

1 tree permit requested that was denied due to healthy tree and not on their property.

1 Fence Permit

1 Food Truck Permit

1 Fill Permits

Daily Phone Inquiries & Emails Answered

3 Trees that are on city right - of - way that need to be cut, (completed).

8 Trees that need to be cut and 2 trimmed in Chestnut Cemetery, (in process / Completed).

Daily Office Meetings

Set up files for each client.

Patrolled City daily

Rode with Greg visiting trash cleanup sites. (Hauled close to 20 loads in dump truck)

Issued 1 warning citation for debris / trash and gave time to remove, followed up and was removed by occupants.

Fees Collected

Tree Permits \$ 545 (\$ 350 City/ \$195 Tree Restoration)

Fence Permits	\$50
Fill Permit	\$100
Food truck Permit	\$68.75

TOTAL = \$763.75

City of Apalachicola public works monthly report

march 2023

The public works department, services all city vehicles and replaces all the tires on city vehicles, services all the mowers and weed eaters, cuts all city parks, cut all city properties, clean all city buildings, empty all garbage cans down town and city parks, clean city right of ways, cut city right of ways, and patch holes on city roads as needed.

- empty trash cans from down town and public parks three times a week.
- cut our routine main roads parks and cemeteries.
- completed 9 work orders.
- cut storm ditch on 17th st.
- removed debris from public works.
- replaced stop sign on 9th and 98.
- replaced freeze plug on work squad truck.
- repaired work squad trailer.
- cut back and cleaned ditch on fred myers.
- repaired storm grate ave g--dr humphries.
- cleaned around grave site at magnola cemetary.
- fixed sink hole at 94 16th. st.
- replaced brakes on veh 10.
- removed carpet from mayors office.

signed Robert Osburn

CITY OF APALACHICOLA
ADMINISTRATION DEPARTMENT
March 2023

- Working with Banyan to convert utility billing information to new billing software
- Staff worked with CUSI to resolve uploading errors for the electronic meter readings. This problem resulted in the delay of utility bills being mailed out to customers. Utility bills are now being mailed out in envelopes hoping this will alleviate the delivery issue.
- Payroll was processed for three pay periods
- Prepared March Commission minutes. Prepared April agenda packet. Emailed agenda packets to Commission and Attorney.
- Notified 2K Web Group to change regular meeting date from April 4th to April 11th on website. Sent April agenda packet and March minutes to be uploaded to website.
- Staff assisted customers with cemetery items, utility bill questions and payments, garbage/yard trash complaints, permitting issues, City property rentals, and other miscellaneous duties
- Completed tasks as assigned by the City Manager/Commission
- No public records requests received in March
- Processed new and reissued golf cart permits
- Issued and processed new and renewal of the Business License Tax
- Issued and processed Battery Park boat launch applications and permits
- Mailed monthly general billing

BUILDING DEPARTMENT

MARCH 2023

- 73 Building Permits Issued
- 6 Building Permits in Process
- 30 Building Inspections
- 2 Fire Safety Inspection
- 10 Certificates of Completion Issued
- 6 Certificates of Occupancy
- Daily Phone Inquiries & Emails Answered
- Several On-Site Meetings
- Daily Office Meetings
- Records Requests
- March. Building Dept. Fees brought in: \$12,365
- Building Dept. Fees ytd: \$31,632

APALACHICOLA POLICE DEPARTMENT

March 2023

In March, we began writing tickets for all violations of not having a valid boat launch permit, we wrote a total of 21 tickets this month. We have been actively writing warning tickets for golf cart infractions and wrote a total of 10 warnings this month. Next month, we will begin writing tickets for this incidents.

March 2023 Totals

Traffic Stops/ Warnings/ citations	30
Arrests/ Warrant Requests	1
Traffic Accidents	4
Burglary/Theft calls	1
Assist Citizens/ Complaints/investigations	700
Trespass Warnings/agreements	13
Business alarm calls/building checks/welfare checks	400
assist county call/other agencies	30
Assist Animal control	1
Domestic cases involving violence/disturbance calls	2
Total calls from dispatch	1479

MARCH 2023 FIELD CREW REPORT WATER & SEWER

- Completed Monthly Samples for DEP
- Completed all meter readings for the month.
- Working on preventive maintenance for air vac
- Install new pressure gauge for sewer force main.
- Working on replacing old manual read meters.
- Repaired a 2 inch water main on 15th street on Sunday the 19th
- Completed all of the daily rounds for the month
- Repaired a 1 ½ water line on Sawyer Lane on Friday night
- Completed all the locates for the month
- Responded to and repaired any low vacuum issues on the vacuum system
- Changed out the wiffle balls in the odor scrubber cleaned the tower and put it back in service
- Programed water plant to compensate water pressure for water tower being worked on
- Rebuilt PH meter at water plant
- Installed water and sewer taps at 196 9th street
- Installed sewer tap at 11 Jacoby O'Neill street
- Installed water and sewer taps at 249 Prado street
- Contractors finished painting water tank on 5th street and we refilled the tank with super chlorinated water and waiting for clearance on the tank
- Installed new force main pressure gauge at Vacuum Station to help monitor sewer pump pressure
- Working with Front Office staff on new Vacuum Station

City of Apalachicola WWTP

monthly report for March 2023

During the month of March 2023, the City of Apalachicola has continued to seek for a licensed operator to work at the WWTP. We had one possible candidate that had both a Class C water and a Class C wastewater license apply. Due to the current cost of housing in the area and lack of available rental properties that are affordable this candidate was unable to accept the position with us. We are still actively searching for qualified candidates. Some of the items that we have been working on are listed below.

- Recorded all required daily parameters as outlined by the permit.
- Collected all required samples as outlined in the permit.
- Completed all required reporting as outlined in the permit.
- At the time of this report, the WWTP has treated and discharged for the month of March a total of 7.829mg with a daily average flow of .290mgd.
- Monitor the level of re-use water in the tank on Pal Rivers Road.
- Staff have met with a contractor about replacing a valve on Pal Rivers Road that isolates the tank so that it may be filled or pump to the spray field from the WWTP. We are currently awaiting pricing.
- Staff continue to manually change the discharge zones daily in the spray fields since the automatic controls are not functioning and haven't for a very long time.
- Staff has gone through the lab and made sure that all items that are expired have been properly disposed of. This is part of the O&M requirements.
- Staff has met with engineers to discuss the overview plans for the new WWTF. We expect to have several more meetings and are looking forward to the new WWTF.
- Staff has continued to use the skid steer to clear the spray fields of overgrown bushes and trees. This should also indicate the maintenance that is performed on the equipment such as sharpening teeth and

cleaning the machine regularly to avoid fire hazards and damaged equipment. This machine also must have regular greasing of fittings and tightening of the tracks.

- Staff has met with Kendall (grant manager) to show her the spray fields and answer any questions that she had regarding them and the workings of the design, repairs, or replacement of components.
- The Huber headworks screen has been repaired and is almost ready to put back into operation. We are currently awaiting some electrical parts to arrive so we can finish this repair and begin proper screening of the influent wastewater.
- Staff have received price quotes and ordered 2 Sutorbilt blowers for the WWTP to replace the damaged and malfunctioning ones. This was a budgeted item. Staff have also received price quotes and ordered 2 motors for the operation of these blowers. The cost to rebuild the existing motors is not worth the expense when compared to a new one for just a little extra and a three-year warranty.
- Filter feed pump number 2 has been repaired and a new motor installed on it. The unit was installed and put back into service.
- Staff has begun cutting the grass at the WWTP with City equipment.
- Staff has been cutting back tree limbs and cleaning up the grounds at the WWTP. Typically, in the past this was completed by inmates but due to the lack of full inmate crews, staff has had to begin doing this themselves to help keep the place presentable.
- Staff has painted the pre-existing digester vault box that was repaired last year.
- Staff has painted the top and bottom steps of all stairwell areas to denote a beginning or an ending step. (safety)
- Staff have replaced a battery charger on the emergency standby generator that was faulty.
- Staff has overseen the scheduling and implementation of emergency standby generators maintenance and annual load bank testing by TAW for both the water and wastewater plant and other associated departmental sites including the vacuum station, Bobby Cato lift station, well #6, well #7 and the portable 50kw.

-
- Staff have taken the portable 50kw generator to Public Works to have the other 3 tires replaced that were noted as in need of replacement on the inspection report completed by TAW.
 - Staff have continued to work with Pump and Process to identify the damaged components of the radio telemetry system that operates the Re-use system. So far there have been two radios and two power supply boards ordered to be replaced. After replacing these items when they arrive and are installed, we will be able to further diagnose the system and identify other bad hardware.
 - Staff has met with two different solar integrators and are having one of them come down to go thru the system to identify what will need to be replaced and what will be able to be reused with some new components.
 - Staff cleaned the sludge from the North Chlorine Contact Chamber and put it back into service.
 - Staff have cleaned sludge and other debris from both disk filters on a regular basis to help with the quality of effluent being discharged from the WWTP.

There currently are two damaged VFDs (variable frequency drives) that are supposed to supply electricity to the pumps at the Pal Rivers Booster station to allow the re-use water to be pumped into town to the parks and other irrigated sites. With both of these pumps being out of service, this only leaves the small booster pump to supply pressure for all of these locations. I have been getting price quotes for replacements that will work for our application and be able to be connected to our Tesco controls for integration with our system to be able to operate them remotely as originally designed. I will be following up with the City Manager about this issue and present him with price quotes and availability of the parts. Some vendors are saying over a year lead time to get parts. This is unacceptable in our situation.

Monthly Report for the Apalachicola Margaret Key Public Library March 2023

Statistics:

- 2495 patrons visited our library this month!!!
- 30 new accounts opened - 476 patrons used our computers
- 721 books/movies/audiobooks circulated - 1279 items donated to the library
- \$395.62 collected as library revenue - 152 hours donated by our wonderful volunteers
- 10,972 people reached w/42 FB posts - 71 accounts reached w/ 32 Instagram posts

The library welcomed in Spring this month with new programs, and an action-packed week of art during Franklin County's Spring Break!

We hosted our 2nd annual Art Week for kids on Spring Break to participate in a different art activity every day. Monday, kids enjoyed tie-dyeing t-shirts and Tuesday kids made tissue paper flowers, and laminated collages to create window art. On Wednesday the library had a packed house as Erik Lovestrand, Director of Franklin County's 4-H Extension office, showed off some live snakes and lizards. Afterwards kids enjoyed making their own slithery rings and tried finger knitting. Thursday, we devoted to stamps and stencils, playing with abstract art versus stamp and ink. In Lego Club kids worked on building 3 dimensional shapes. Friday we held our 2nd annual 'Plein Air' Paint-Out with kids enjoying the outdoors and painting on their own easels. This year, we had professional Plein Air artist Michelle Held from Sarasota giving kids tips and feedback as they painted. What an awesome experience! Saturday and Sunday we offered free art treats outside the library and sidewalk chalk for some easy fun. Members of PALS (Patrons of the Apalachicola Library Society) Connie Justice, Celia Winterringer, and Eli Bissen helped out greatly with all the art! Other kids activities included the first meeting of the Pokémon Club which now meets each Wednesday at 3:30. Tuesdays, Karen Kessel with Bring Me A Book Franklin hosts 'Books for Babies'. This month her crafts and stories were all about Spring and St. Patrick's Day! Lego Club on Thursdays continues to be a hit, with kids building on themes and showing so much imagination. The Library's monthly S.T.E.A.M. session at Project Impact was another chance for creativity as PALS volunteer Richard Lenhart gave lessons on paint chemistry, with kids completing their own take home masterpieces!

With Spring in the air, plant questions abound, and we are grateful to have our Master Gardener Helen Gologowski on the final Sunday of each month to answer all things gardening. Richard Lenhart also teaches Chess on the first and third Mondays of each month from 3-5. All ages are welcome to come learn and hone their skills as they play others. Each Monday evening, a by-donation Yoga class led by Kathy Jansen lets adults get a relaxed perspective for the start of the week. Special to February and March, the library hosted Volunteer Income Tax Assistance (VITA) volunteers who assisted patrons with free tax preparation.

March also meant we paid tribute to great women leaders during Women's History Month. In the library we celebrate this history with a 'HER'story event. This year, PALS hosted an informative speaker, Dr. Cynthis Patterson who spoke about her research into African American Women's Clubs in Apalachicola during the early 1900's. At least 7 distinct African American Women's groups existed, often hosting their own speakers, and reading events. Dr. Patterson visited from the University of South Florida in Tampa where she recently finished a book about the women contributors to the *A.M.E. Church Review* 1884-1924 (the quarterly publication of the African Methodist Episcopal church).

A new library employee started this month! Sara Gillespe-Albino joins us as a 20 hour per week employee and has already proven to be an asset to our Library. Please say hello when you see her!

Library hours are 10am to 6pm Monday - Friday and Sundays from 12pm to 4pm. We help patrons with reading, writing, and learning; as well as a suite of print/copy/scan/fax/and notary services. We loan books, movies, puzzles, and items from our Library of Things.

Happy Spring! Lucy Carter, Library Director