

PUBLIC HEARING & REGULAR MEETING
APALACHICOLA CITY COMMISSION
TUESDAY, DECEMBER 5, 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. Presentation**
 - 1. Proclamation for County Commissioner Noah Lockley, Jr. by Mayor Ash
 - 2. Proclamation – Small Business Saturday
- IV. Public Hearing – Ordinance 2023-06 – Short Term Rental LDC Amendment**
- V. Public Comment**
- VI. New Business**
 - 1. 2nd Reading and Adoption Decision – Ordinance 2023-07 - Comp Plan Amendment
 - 2. 1st Reading - Ordinance 2023-08 - MuniCode
 - 3. EV Charging Station Agreement
 - 4. Project Impact Request for Loan/Funding
- VII. Unfinished Business**
 - 1. 2nd Reading & Adoption Decision – Ordinance 2023-06 – Short Term Rental LDC Amendment
 - 2. Backflow Preventer Testing Policy
 - 3. Parks and Recreation Committee to discuss Proposed Building in Botanical Garden
- VIII. Mayor and Commissioner Comments**
- IX. City Manager Communications**

X. Finance Director Communications - Report Attached

XI. Attorney Communications

XII. Consent Agenda

A. Commission Meeting Minutes Adoption – November 7, 2023 Public Hearing & Regular Meeting; November 7, 2023 Workshop; November 28, 2023 Workshop

B. Planning & Zoning Board Minutes – October 9, 2023 Regular Meeting

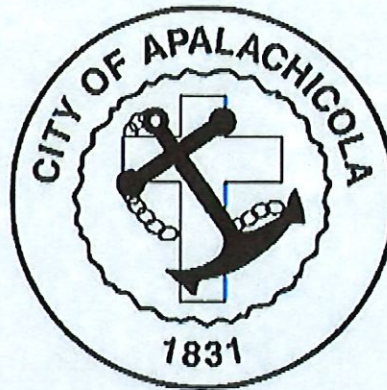
XIII. Department Reports – Included in Agenda Packet

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.

Mayor
Brenda Ash

Commissioners
Anita Grove
Adriane Elliott
Despina George
Donna Duncan



City Manager
Travis Wade

Finance Director

City Clerk
Lee Mathes, MMC

City Attorney
Dan Hartman

MAYOR'S PROCLAMATION

Noah Lockley Jr.

Whereas, Noah Lockley Jr. was born to Mr. Noah Lockley Sr. and Ms. Vernell Gatlin on January 24, 1951.

Whereas, Noah Lockley Jr. graduated from Holy Family and Quinn High School.

Whereas, Noah Lockley Jr. was united in marriage to Ms. Georgia Ann Suddeth of Apalachicola for 55 years. From this union they shared five children: Raymond Lockley, Jeffery Lockley, Latrina Lockley, Belinda Lockley, and Gabriel Lockley. He is also loved and admired by their grandchildren and great grandchildren.

Whereas, Noah Lockley Jr. served this community and was a member of Friendship Missionary Baptist Church in Apalachicola, Fl.

Whereas, Noah Lockley Jr. served four consecutive terms as County Commissioner for Franklin County District 3 and was a tenacious advocate for his community, as well as the County. He was a strong supporter for the health care system and leading advocate for Weems Memorial Hospital.

Whereas, Noah Lockley Jr. has lived a full life rooted in faith, family and his beloved community. His good works, wisdom, advice and subtle insight will be remembered for years to come.

BE IT RESPECTFULLY PROCLAIMED that *Noah Lockley Jr.* will be remembered and cherished for his dedication, commitment, and love for his community, family, friends, and constituents. We celebrate Noah Lockley Jr. on this day, November 25, 2023, and will forever remember him for the many contributions in Apalachicola. We are honored and proud to say that Noah Lockley Jr. was born *and* raised in Apalachicola Florida. Let it be known that the Governing Body of the City of Apalachicola, Staff, and local community honors the life and legacy of Mr. Noah Lockley Jr.

Brenda Ash, Mayor

**CITY OF APALACHICOLA PROCLAMATION
PROCLAIMING NOVEMBER 25, 2023, AS SMALL BUSINESS SATURDAY**

WHEREAS, the government of the City of Apalachicola, Florida celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the U.S. Small Business Administration, there are 33 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 62.7% of net new jobs created since 1995, and small businesses employ 46.4% of the employees in the private sector in the United States; and

WHEREAS, 68 cents of every dollar spent at a small business in the United States stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and

WHEREAS, 72% of consumers reported that Small Business Saturday 2022 made them want to shop and dine at small, independently-owned retailers and restaurants all year long; and

WHEREAS, the City of Apalachicola, Florida supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Brenda Ash, Mayor of the City of Apalachicola, Florida, do hereby proclaim, November 25, 2023, as

SMALL BUSINESS SATURDAY

AND urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and to shop small throughout the year.

**BRENDA ASH, MAYOR
CITY OF APALACHICOLA**

ORDINANCE 2023-06

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 91-7, WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE, REVISING SECTION II (LANGUAGE AND DEFINITIONS), SECTION IV (ZONING DISTRICTS AND REGULATIONS), AND SECTION X (TRANSIENT LODGING); AMENDING ORDINANCE 2005-08; AMENDING ORDINANCE 2006-01; AMENDING ORDINANCE 2006-05; AMENDING ORDINANCE 2017-07; AMENDING THE APALACHICOLA LAND DEVELOPMENT CODE, PART II – (LANGUAGE AND DEFINITIONS); AMENDING CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISION; SECTION 101-8 AMENDING THE DEFINITION OF TRANSIENT LODGING REVISIONS, AMENDING SECTION X (TRANSIENT LODGING), TO AMEND CHAPTER 111, ARTICLE III, DIVISION 4 – SUPPLEMENTAL REGULATIONS, SECTION 111-292 – DIMENSIONAL REQUIREMENTS AMENDING THE MINIMUM NUMBER OF UNITS PER BUILDING FOR BED AND BREAKFASTS AND TO AMEND SECTION 111-293 – ADDITIONAL REGULATIONS TO REMOVE THE COOKING FACILITIES REQUIREMENTS FOR TRANSIENT LODGING, FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

FINDINGS:

WHEREAS, the City of Apalachicola is a Florida Municipality duly incorporated, with all the rights and powers as provided in s. 2(b), Art. VIII of the State Constitution.

WHEREAS the current code provisions applicable to the definitions and requirement for transient lodging and bed and breakfasts in the City are in need of update. Clarification and additional guidance have been deemed necessary to effectively regulate short term rentals located in the City.

WHEREAS, the City of Apalachicola has determined that it is in the public interest to adopt amendments to its Land Development Code pertaining to transient lodging; and

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

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.

Section 1.

Section 101-8. Definitions

Transient accommodations – Any unit, group of units, building or group of buildings within a single complex of buildings, that is 1) rented for less than an entire calendar month, or for a period of thirty (30) or less consecutive days spanning two (2) months, and that is 2) advertised or held out to the public as a place regularly rented to transients. Forms of transient accommodations include the following:

(1) ***

(2) ***

(3) ***Bed and Breakfast*** means a place where tourists, transients, travelers or persons desiring overnight accommodations are provided with sleeping and sanitary facilities. ~~Cooking facilities other than a microwave oven are not allowed in an individual bed and breakfast room, but they are allowed within a common kitchen area.~~

Section 2.

Section 111-292. Transient Lodging

Dimensional requirements.

(1) *Hotel/motel.*

(2) *Bed and breakfast.*

~~a. Minimum number of units: two (per building).~~

~~b.a. Maximum number of units: ten (per building).~~

~~e.b. Minimum building lot size: that amount of land necessary to accommodate the desired number of units (minimum of two units) and still adhere to lot coverage and infrastructure requirements.~~

(LDC, art. X; Ord. No. 2017-04, § 4, 4-4-2017; Ord. No. 2017-07, § 3, 8-8-2017)

Section 3.

Section 111-293. Additional Regulations

In addition to any existing regulations relating to hotel/motel development found elsewhere in the land development regulations, the following criteria shall apply to all transient lodging facilities:

(1) *** (12)

~~(13) — Cooking facilities, other than microwave ovens, are not allowed in transient lodging (hotel/motel/B&B) facility units.~~

~~(13)~~(14) Transient lodging facilities (hotels/motels) located along the riverfront must provide access to the riverfront and provide boardwalk access along the waterfront and give a perpetual easement to the city for the general public.

~~(14)~~(15) Transient lodging facilities (applies to hotels, motels and bed and breakfasts) must be located in appropriate zoning districts as provided in the zoning chapter.

~~(15)~~(16) All transient lodging facilities must meet applicable parking, stormwater and site plan requirements as provided in the zoning chapter.

~~(16)~~(17) In the general commercial zone C-1 or riverfront commercial zone C-4, a building having a first-floor commercial use may have a bed and breakfast use on an upper floor provided all applicable requirements are met.

~~(17)~~(18) In the general commercial zone C-1, the first and/or upper floor of a stand-alone, single-family dwelling existing on the effective date of state department of economic opportunity's state register notice approving this provision may be converted to a bed and breakfast use, provided that the first floor dwelling footprint is not expanded and all parking, floodplain management provisions, and other applicable requirements are met.

(LDC, art. X; Ord. No. 2005-08, § 1, 9-27-2005; Ord. No. 2017-07, § 3, 8-8-2017)

Section 4. Severability Clause. If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable, shall be severed here from and the remainder of this Ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby

repealed.

Section 6. This ordinance shall take effect upon approval by the City Commission.

PASSED FIRST READING ON: _____

PASSED SECOND READING ON: _____

CITY OF APALACHICOLA

BY: _____
Brenda Ash, Mayor

ATTEST:

Lee Mathes
CITY CLERK

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: 12/5/2023**

SUBJECT: Adoption of Proposed Comprehensive Plan Changes

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 1
Department: Grants
Contact: Cindy Clark
Presenter: Cindy Clark

BRIEF SUMMARY: A first reading of the ordinance 2023-07 to adopt changes to the City's comprehensive plan was held May 16, 2023 and those changes were transmitted to DOC in accordance with statutory requirements. On July 28, 2023 DOC sent the City a letter outlining several specific objections to those proposed changes. Revisions were made to satisfy those objections and to incorporate additional policies that reference the City's 2023 ACSC work plan for infrastructure funding. The revised document has been duly advertised and is ready to be read for the second time, adopted and sent to DOC for administrative review and approval.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Motion to adopt and transmit to DOC.

FUNDING SOURCE: Part of a 2022 CPTA DEO grant.

ATTACHMENTS: Ordinance 2023-07 in strikethrough/underline format. Additional data attachments are available for review online.

STAFF'S COMMENTS AND RECOMMENDATIONS: Approve transmittal to DEO for review/approval.

Note: revisions made subsequent to the receipt of the July 28, 2023 ORC report from DOC are highlighted in yellow.

**CITY OF APALACHICOLA
ORDINANCE NO. 2023-07**

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE CITY OF APALACHICOLA COMPREHENSIVE PLAN TO REVISE SEVERAL ELEMENTS TO BE CONSISTENT WITH LEGISLATIVE REQUIREMENTS RELATING TO PLANNING HORIZONS, CAPITAL IMPROVEMENTS, PERIL OF FLOOD, PRIVATE PROPERTY RIGHTS, POPULATION PROJECTIONS AND GENERAL UPDATES TO POLICIES AND OBJECTIVES DEEMED NECESSARY

WHEREAS, the Board of Commissioners of Apalachicola, Florida has received a recommendation from the Apalachicola Planning and Zoning Commission for changes to elements including the Capital Improvements, Coastal Management, Future Land Use, Housing, Public Facilities, Recreation and Open Space, Traffic Circulation, Intergovernmental, Historic and Economic Element that will bring the City's Comprehensive Plan into compliance with current legislation outlined in Chapter 163, FS

WHEREAS, the Board of Commissioners of Apalachicola has conducted a public hearing with due public notice, and

NOW, THEREFORE, BE IT ORDAINED BY THE APALACHICOLA BOARD OF CITY COMMISSIONERS that:

Whereas, Chapter 163, Florida Statutes, requires local governments to prepare and adopt comprehensive plans consistent with legislation relating to planning periods, and

Whereas, Chapter 163, Florida Statutes, requires local governments to prepare and adopt comprehensive plans with capital improvements planning that considers the need for and the location of public facilities in order to encourage the efficient use of such facilities, and

Whereas, Chapter 163, Florida Statutes, requires local governments to prepare and adopt comprehensive plans that address peril of flood component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise, and

Whereas, Chapter 163, Florida Statutes, requires local governments to adopt comprehensive plans that include a property rights element in its comprehensive plan for any proposed plan amendment initiated after July 1, 2021, and

Whereas, Chapter 163, Florida Statutes, requires local governments to adopt comprehensive plans based upon permanent and seasonal population estimates and projections, and

Whereas, there are a number of objectives and policies within the City's comprehensive plan that are either no longer applicable or which are clearly in need of update , and

Whereas, the attached changes have been duly advertised and public hearings conducted in accordance with Florida Statute Chapter 163.3174 and City Adoption Procedures, hereby

CAPITAL IMPROVEMENTS

Existing Goal 1

Objective 1. ~~Through 2040, the Capital improvements~~ budget and element will be provided to correct identify existing deficiencies needing repair and expansion to accommodate desired future growth, and to replace worn out or obsolete facilities, as indicated in the 5-Year Schedule of Improvements of this element, hereby referenced and included as" Attachment A". The planning horizon for Capital Improvements is 2022 – 2027. The planning horizon for other elements is 2040 (Also referenced in Capital Improvements legislative mandate section)

Policy 1.4. The City ~~maintain~~ adopts the - 2018 Northwest Fl Water Management District's Regional Water Supply Plan, adopted by reference, as it is amended at five year intervals through the planning horizon of 2040-2020. The City shall review the Water Supply Work Plan and update it, at a minimum, every 5 years within 18 months after the NFWMD approves an updated regional water supply plan. Any projects within the Water Supply Plan for which the ~~County~~ City has financial responsibility will be included within the 5-year schedule of Capital Improvements.

Policy 1.4.4. ~~The City shall seek funding to have the Touch Read meter system fully activated and functional by 2013.~~

Policy 1.4.5. The City shall implement a meter testing program for all meters 2" and larger by the end of 2010 and continue monitoring through 2040.

Policy 1.4.6. The City shall seek opportunities to utilize treated effluent to the greatest extent possible to begin expand reuse initiatives. ~~project construction by the end of the 2009 calendar year, with a projected completion timeframe of four years.~~

Policy 1.4.7. ~~The City shall establish an average persons per household number and multiply that by the number of residential customers. This will then be divided into the average daily flows to determine the per capita demand. The City will make this comparison annually to gauge the effectiveness of the conservation measures undertaken.~~ The City shall establish a method for determining per capita demand of water supply and conduct an annual supply plan to gauge annual water supply needs and conservation measures. For residential use, an average persons per household number multiplied by the number of residential customers can be divided into the average daily flows to determine the per capita demand.

Policy 1.4.8. The City shall ~~execute an interconnection agreement~~ initiate a dialogue with the City of Port St. Joe allowing preliminary discussions and plans toward ~~finalization~~ coordination of the ~~interconnection of water resources~~ before the need arises.

Policy 1.4.9 The city shall implement and annually update the Area of Critical State concern Work Program within the Capital Improvements budget to provide adequate infrastructure, protect water quality of the bay and river, increase affordable housing opportunities; diversify the economy, and protect the historic community character of the City of Apalachicola.

Policy 1.4.10: : The City shall implement Stewardship funding by annually evaluating and updating the need for repairs, retrofits or expanded capacity of the potable water, wastewater treatment and stormwater system through the ten year planning horizon of 2034.

Policy 1.4.11 The City adopts the 2023 Area of Critical State Concern Work Plan into the Comprehensive Plan and is hereby attached and referenced.

Policy 1.4.12: The City shall annually update the Capital Improvements Plan including revisions or additions to the 2023 ACSC Work Plan and copy the Department of Commerce in November of each year.

Policy 1.4.13: The City shall seek funding to replace documented existing deficient water system equipment by 2026.

Objective 3. Future developments will bear their full proportionate cost of facility improvements necessitated by the development in order to maintain adopted Level Of Service standards. The proportion of the cost will be determined by the city's facilities staff and made a part of the permitting records.

(Existing Objective 4)

Policy 4.2. In providing capital improvements, the City shall limit the maximum ratio of outstanding indebtedness to a reasonable and acceptable rate. A percentage rate relating to the property tax base shall be ~~established by January 1, 1991~~ maintained through 2040.

Objective 5 Through 2040, the City shall maintain the adopted levels of service. Issuance of development orders and permits will be ~~based~~ conditioned upon coordination of the development requirements included in this plan, the land development regulations, and the availability of necessary public facilities needed to support such development at the time needed.

Policy 5.2. The City shall utilize the Land Development Code through the required site plan review process ~~development~~ to ensure that, at the time a development permit is issued,

adequate facility capacity is available or will be available concurrently as the facility needs are impacted by the development.

Policy 5.3. Proposed plan amendments and requests for new development or redevelopment shall be evaluated according to the following guidelines as to whether the proposed action would:

- c) Generate public facility demands that may be accommodated by capacity increases planned in the five-year schedule of capital improvements;

COASTAL MANAGEMENT ELEMENT

Existing Goal 1

Objective 1. The wetlands of Apalachicola shall be conserved and protected such that no net loss (after mitigation) shall occur through the year ~~2040~~ 2000. 9J5.012(b)1,(2)

Policy 1.2. Through ~~2040~~ 2020, Apalachicola shall continue to enforce its Land Development Regulations ...

Objective 2. The City will support the conservation and protection of native vegetation, ecological communities, fish and wildlife habitat to the extent that between 2004 and ~~2040~~ 2020 the City will prohibit development which can be proved to damage the City's natural resources.

Policy 2.7. The City shall prohibit the alteration, other than approved maintenance, of mosquito ditches. The city shall prohibit the alteration of ditches that discharge directly to the bay other than for engineer-designed stormwater improvements that provide for treatment prior to discharge.

Objective 3. The City shall maintain the estuarine water quality surrounding Apalachicola's coastal resources such that there shall be no loss of any approved shellfish harvesting classifications through the year ~~2040~~ 2020.

Policy 3.3: The City shall, through its land development regulations, require developers of subdivisions ~~with lots of less than one acre~~ to connect to a public wastewater system and provide sewers to each lot in the subdivision.

Objective 4. Estuarine Water Quality. Through the year ~~2040~~ 2020, the water quality of Apalachicola Bay and River shall remain classified as "good."

Policy 4.2 : In order to reduce the impact of effluent from sewage treatment plants on the Bay, sewage treatment facilities with a history of treatment standards violations shall have the highest priority in budget considerations ~~to new or improved facilities.~~

Objective 5. ~~Through 2040, by 2004 the City shall continue begin implementing a floodplain drainage basin plan as part of its stormwater management plan which will address~~

development restrictions for floodplain drainage areas, a work plan for correcting drainage facility deficiencies and the creation of a stormwater manual outlining stormwater systems appropriate for use with the coastal area. Through the ten year planning horizon of 2034, the City shall implement city commission recommendations for repair and construction of stormwater infrastructure projects as identified in the 2017 Phase 1 Drainage Basin Analysis. The City will review the 2023 -24 Phase II drainage basin analysis recommendations when completed and incorporate recommended projects into its capital improvements plan and updated ACSC Work Plan.

Policy 5.3. The City shall apply annually for grants available through DER, DCA, EPA and the Northwest Florida Water Management District for the repair and construction of new drainage facilities within the City. The City shall apply annually for funding for the repair and construction of new drainage facilities within the City.

Objective 6. Through the 2040 2020 planning horizon, ~~By 1991~~, the City shall continue to enforce existing land use laws which give priority to the sitting and development of water-dependent uses within the Coastal Area, as compared with other shoreline uses.

Objective 7. Water-Dependent/Water-Related Land Uses. The City shall prohibit any water-dependent or water-related land use which will lower the water quality standards below State water quality standards for River and Bay. ~~9J5.012(3)(b)(3)~~

Policy 7.1. Through the planning period 2040 2020, the City shall require sewage pump-out facilities for all new marina facilities along the riverfront and continue to enforce existing regulations requiring marinas to install such facilities.

Existing Goal 2

Objective 8. Hazard Mitigation and Coastal High-Hazard Areas. Through the 2040 2020 planning period the City shall continue to enforce Land Development Regulations to restrict development within coastal high-hazard areas and budget policies shall restrict public funding for facilities within coastal high-hazard areas.

Policy 8.6. The Coastal High Hazard Area shall, at a minimum, be consistent with the definition found in Rule 9J5-03(17) FAC, which reads as follows: is defined by 163.3178 (6) (h) as the area below the elevation of a category 1 storm surge line as established by Sea and Overland Surges from hurricanes computerized storm surge model. For the purpose of administering the regulatory provisions of the City's land development regulations, the Coastal High Hazard Area may be determined to be coterminous with the FEMA Special Flood Hazard Areas (SFHAs) which are identified on Flood Insurance Rate Maps (FIRMs) as zones AE, V, V1-V30 and VE. The Coastal High Hazard Area is defined on Map 9. evacuation zone for a Category 1 hurricane as established in the regional hurricane evacuation study ..." The City's CHHA shall further encompass the velocity zones as identified on the Flood Insurance Rate Maps, the areas seaward of the coastal construction control line and where public facilities have been damaged or undermined by coastal storms. The Coastal High Hazard Area is defined by 163.3178 (2) (h) as

the area below the elevation of a category 1 storm surge line as established by Sea and Overland surges from hurricane computerized storm surge model. The Coastal High Hazard Area is defined on Map 6.

Policy 8.7 The City shall adopt most recent amendments to the 1985 edition of Southern Standard Building Code. The City shall adopt the Florida Building Code (the 7th edition) and regulations set forth in 44 Code of Federal Regulations.

Policy 8.8 The City shall continue its efforts to provide flood protection information, including information about Flood Insurance Rate Maps and the National Flood Insurance Program.

Objective 9. Development Density and Intensity Through 2040, the City shall, through its Land Development Regulations, limit development density and intensity within the Coastal High Hazard Area and direct it outside of the Coastal High Hazard Area, to mitigate the impact of natural hazards in this area. ~~9J-5.012 (3)(b)(6)~~

-Policy 9.6 A crucial need finding must be arrived at by the City to authorize public expenditures within the CHHA and shall establish that the expenditure is necessary to alleviate dangerously overcrowded or otherwise hazardous roads, to replace or construct wastewater facilities to alleviate or prevent potential violations of surface and potable water quality standards, or to construct recreational facilities unique to coastal sites such as boat-ramps and associated facilities. Furthermore, a crucial need may only be established after consideration has been give to hazard mitigation standards, including floodproofing and evacuation.

Policy 9.7 In coastal areas needing redevelopment after a disaster, structures which were nonconforming in terms of flood elevation or land use, and which suffered damage in excess of fifty percent of their appraised value shall be rebuilt to meet all current requirements, including those enacted since construction of the structure.

Policy 9.8 The City will continue efforts to enter the Community Rating System by completing required documentation and activities that confer eligibility and by enacting rules and policies that will increase the City's Community Rating score, resulting in an improved percentage savings on flood insurance premiums for residents of Apalachicola.

Objective 10. Hurricane Evacuation. The City's hurricane evacuation time for a Level C (category 3) shall not be 12 hours to shelter and 24 hours out of county prior to anticipated landfall of a Category C-E or Category 3-5 storm event Level A storm shall be the minimum of the range as identified elsewhere in this plan (Tables 19 thru 23). ~~9J5.012(3)(b)(7)~~ As per 163.3178 8(a)3(b) Florida Statues, the city shall ensure that hurricane evacuation clearance times do not exceed 16 hours for category 1 storms and 24 hours for a category 5 storm as measured on the Saffir-Simpson scale.

Objective 11. Post-Disaster Redevelopment. Through 2040, the current county emergency plan will be utilized and modified as indicated. ~~9J5.012 (3)(b)(8)~~

Objective 12. Public Access. The amount of public access to coastal resources shall be maintained and not decreased between 2004 and 2040 ~~2020~~.

Objective 13. Historic Resources. Through the year 2040 ~~2020~~ the City shall continue to enforce development standards for the protection, preservation and sensitive reuse of historic resources throughout the City.

Objective 14. Maintaining Scenic routes. By 2040 ~~2020~~, the City will establish a scenic road program in order to help preserve the area's natural beauty.

Existing Goal 3

Objective 15. Levels of Service. The level of service standards adopted elsewhere in this Comprehensive Plan for facilities in the coastal area and the additional standards under this objective shall be applied whenever development orders or permits are requested. ~~The evacuation times established by objective 10 shall also be considered levels of service standards for roads. 9J5.012(3)(b)(11)~~

Policy 16.1. Improvements to the Apalachicola sewage treatment plant serving the Apalachicola area shall be ~~constructed by 2000 ongoing and the highest priority for funding until system is in compliance with FI Department of Environmental Protection regulation and shall be funded by multiple funding sources including grant funds.~~

Existing Goal 4

Objective 17. Coordinating with Other Local Governments. ~~By 2020. Through 2040, the city will continually engage with the County regarding an intergovernmental coordination program shall be established in order to manage coastal resources affecting or affected by governments other than the City.~~

Objective 11. Post-Disaster Redevelopment. Through 2040, the current county emergency plan will be utilized and modified as indicated. ~~9J5.012 (3)(b)(8)~~ *(also referenced as a planning horizon amendment)*

Policy 11.7. The City shall coordinate with the county to ~~develop and adopt prior to the 1995 hurricane season a formal decision making process~~ to evaluate options for damaged public facilities in the CHHA including abandonment, repair in place, relocation, and reconstruction with structural modifications. This process shall consider these options in light of factors such as cost to construct, cost to maintain, recurring damage, impacts on land use, impacts on the environment, and public safety.

CONSERVATION ELEMENT

Existing Goal 1

Objective 1: Apalachicola shall maintain through the year ~~2000~~ 2040 ambient air quality standards which are equal to or more stringent than the State and Federal National ambient air quality standards (NAAQS)

Objective 2: The City shall protect the quality of water on the Apalachicola River and bay to the extent that all water maintains existing classification for water quality as established by the Florida Department of Environmental Regulation. ~~9j5.013(2)(b)2~~

Policy 2.1: By ~~1995~~ 2040, the City shall establish and maintain adequate docking facilities complete with bilge pump out facilities at Scipio Creek, Battery Park and all other public and private marinas.

Policy 2.2: ~~By 1991~~, the City shall continue to ~~adopt and~~ implement a comprehensive stormwater management ordinance which provides for (1) ~~buffer zone between the~~ Apalachicola Bay/River and upland development so that stormwater discharge is diverted away from surface waters (2) ~~most development run off rates , volumes and pollutant loads do not exceed pre- development conditions.~~

Policy 2.3: ~~By 1995~~, Through the planning horizon of 2040, all waterfront properties will be serviced by an adequate central sewer system.

Existing Objective 3

Policy 3.2: In order to protect water supplies and the quality of estuarine waters, the city shall require connection of all development to central sewer ~~by 1991 identify and begin enforcement action to connect faulty onsite sewer treatment systems. .9j5.013(2)©1.~~

Objective 4: The City shall, ~~by 1995, adopt mechanisms to conserve current and projected water sources within Apalachicola. In the interim, beginning in 1990, conservation steps will be taken through educational and stop water-loss means. 9j5.013(2)(b)(2)~~

Objective 5 : The City shall adopt and enforce aquifer protection measures to ensure the protection of the City's potable water source and to safeguard public health. ~~This action will be a part of the revised land development code to be adopted in accordance with § 163.3202(1) F.S. and 9j5.013(2)(b)(2).~~

Policy 5.5: The City shall continue to protect its quantity and quality of water by allowing only low density/intensity uses to be developed within the City's cones of influence areas.

~~9j5.013(2)(c)(1)~~

Objective 6: The City shall, through its land use regulations, protect and conserve soil resources by controlling the encroachment of urbanization on land poorly suited for structural development. ~~9J5.013(2)(c)(3)~~

Objective 7: The wetlands of Apalachicola shall be conserved and protected such that no net loss (after mitigation) shall occur through the year ~~2040~~ 2000. ~~9J5.013(2)(b)(3)~~ .

Objective 8: City will support the conservation and protection of native vegetation, ecological communities, fish and wildlife habitat to the extent that between ~~1990 and 2000~~, 2020 and 2040 the City will prohibit development which can be proved to damage the City's natural resources. ~~(9J5.013(2)(b)(4))~~

~~Policy 8.7: The City shall prohibit the alteration, other than approved maintenance, of mosquito ditches. The city shall prohibit the alteration of ditches that discharge directly to the bay other than for engineer-designed stormwater improvements that provide for treatment prior to discharge.~~

Objective 9: The City shall maintain the estuarine water quality surrounding Apalachicola's coastal resources such that there shall be no loss of any approved shellfish harvesting classifications through the year ~~2000-2040~~. ~~9J5.013(2)(b)(4)~~ 5

Objective 10: The City, in conjunction with Franklin County, will continue to ~~develop and~~ implement a hazardous waste management program ~~by 1998~~. through 2040.

FUTURE LAND USE ELEMENT

Existing Goal 1, Objective 2

Policy 2.1. Through the planning period - ~~2040~~ 2020 the City shall in accordance with F.S. Chapter 163, amend its land use regulations to remain consistent with the GOPS of the comprehensive plan.

Objective 3. Future development and redevelopment will be directed into the City's vacant/undeveloped areas as identified on the Existing Land Use Map where the provision of services and public facilities are available. Current utility facilities, with adequate land for expansion, will meet needs projected through year ~~-2040~~. 2000

Policy 3.6: Marine or seafood related commercial activities shall be encouraged through special permitting requirements which include a reduced development set back along the waterfront in the City's downtown commercial district.

Objective 8. Through the year 2040 ~~2020~~, the City shall, through its Land Development Regulations, limit development density and intensity within the Coastal Area and to mitigate

the impact of natural hazards in this area to coordinate with hurricane evacuation plans (Coastal Management Element).

Existing Objective 10

Policy 10.2: All development proposed for the City's Special Waterfront District must receive approval from applicable state and federal agencies prior to City issuance of a certificate of occupancy development approval.

Goal 2. Through Its Land Use Regulations, Budget Prioritization and Administrative Management, the City Will Restore Its Historic Public Squares to a More Natural State By 2020. 2040.

Existing Objective 14

Policy 14.5. By 2040 2015 the City will design appropriate informational signage and install at each remaining City square for which signs have not yet been completed.

Policy 14.4: The City shall include historic squares improvements as part of its five year capital improvements budget and strategic planning document.

HOUSING ELEMENT

Existing Goal 1

Objective 1. Provide or assist the private sector in providing 102 121 net dwelling units, (38 rental and 83 home ownership) including low and moderate income housing by the year 2000 2040.

Policy 1.1.4: The Planning and Zoning Commission shall encourage the development of mixed-income projects to avoid concentrations of low income residents when making land use decisions concerning development of regional impact.

Policy 1.1.7 By 2026, the City will complete an affordable housing study which will include recommendations for increasing affordable housing opportunities in the City.

Policy 1.1.8: By 2033, the City will coordinate with Franklin County and the Florida Housing Coalition to identify and provide remediation and funding information to owners of substandard housing within the City as identified by the University of Florida Shimberg Center.

Objective 2: By the year 2000, rehabilitate at least 289 substandard housing units. Through the year 2040, the City will develop and maintain an intergovernmental coordination agreement with Franklin County and the Florida Housing Coalition to seek funding to repair or rebuild all substandard housing within the City as identified by the University of Florida Shimberg Center.

Objective 3. By the year 2000, all substandard housing shall be eliminated, with half of the substandard units eliminated by 1996. By the year 2040, the City will, through an

intergovernmental agreement with Franklin County and the Florida Housing Coalition, develop a coordinated plan to eliminate all substandard housing within the City.

Existing Objective 4

Policy 1.4.1: By 2028, the City shall establish development standards for ~~mobile~~ manufactured home parks and low and moderate income housing. Individual site built homes are recommended in established single family neighborhoods; multifamily housing complexes of less than 50 units are preferred over larger complexes.

Policy 1.4.2: Allow density bonus to developers of manufactured ~~mobile~~ home parks who provide "deed restricted" affordable housing for low and moderate income households. ...

Policy 1.4.6: The Planning and Community Development Office will provide referral information to the Housing Authority ~~assistance~~ office to assist low and moderate persons, including the homeless to find adequate housing.

Existing Objective 5

Policy 1.5.4. The City shall coordinate with the public and private sector to provide 10 units of housing for the low income elderly population by the year 2040 ~~2000~~.

PUBLIC FACILITIES ELEMENT

Existing Goal 1

Objective 1. Through the projected planning period 2040 ~~2020~~, local ordinances will continue to require that adequate facility capacity be available at the time a development order is issued, or will be available at the time impacts from the development occur.

Existing Objective 1.3

Policy 1.3.3 Through 2040, the City will continue to monitor Trihalomethane levels in the City's potable water supply to assure that levels safe for human consumption are maintained.

Policy 1.4.1. The City shall ~~maintain~~ implement the 2018 Regional Water Supply Plan, adopted by reference, through the planning horizon of 2040 ~~2020~~. The City shall review the Water Supply ~~Work~~ Plan and update it, at a minimum, every 5 years within 18 months after the NFWMD approves an updated regional water supply plan. Any projects within the Water Supply Plan, for which the City has financial responsibility, will be included within the 5-year schedule of Capital Improvements.

Policy 1.5.9: ~~The City, by January 31, 2012, shall submit a rate structure evaluation as outlined in the permit.~~

Policy 1.5.10: The City, ~~by January 3, 2010,~~ shall ~~provide~~ annually update a service area map showing areas where service is actually provided as well as the overall franchise or potential service area allocated to the utility by the county, public service commission or other authorizing entity.

Policy 1.5.11: The City, ~~by January 31, 2012,~~ shall ~~submit an evaluation for the revision of its existing membership and/or tap fees to~~ promote the use of Florida Friendly Landscaping techniques and the installation of high efficiency plumbing fixtures.

Existing Goal 2

Objective 2.1. Existing deficiencies will be corrected by completing the following projects by 2040 ~~2020~~:

Policy 2.1: ~~The City will priority implement recommendations of NOAA grant on Stormwater Management.~~ The City will annually prioritize stormwater needs and allocate funding to address stormwater deficiencies.

Existing Objective 3.1

Policy 3.1.5: All projects required to meet projected demand for the years ~~1996–2001~~ 2023 to 2028 shall be ~~submitted to the Capital Improvements Coordinating Committee and scheduled included~~ in the Capital Improvements Element of this plan in accordance with the requirements of section 163.3177(3) F.S.

Policy 3.1.6: Through 2034, the city shall continue to coordinate with the Apalachicola National Estuarine Research Reserve and other agencies or groups to provide public awareness of stormwater impacts to the water quality of the bay and river.

Policy 3.1.7: By 2034, the City will reduce vulnerability to flooding by relocating the wastewater plant outside the Coastal High Hazard Zone.

Policy 3.1.8: By 2028, the City shall reduce non-point source pollution by completing repairs to deficient drainage facilities as identified in the 2017 Drainage Basin Analysis (Phase I).

Policy 3.1.9: By 2034, the City will provide treatment facilities at all outfalls to the river and bay to prevent untreated stormwater runoff discharge.

Policy 3.1.10: Through 2034, the city will continue to seek funding for the planning and implementation of studies and infrastructure projects that will reduce the impact from projected future flooding.

Existing Objective 3.2

Policy 3.2.1. Through the ~~2020~~ 2040 planning period the City shall continue to enforce its comprehensive stormwater management ordinance which provides for: (1) buffer zones between the Apalachicola Bay/River and upland development so that stormwater discharge is diverted away from surface waters; (2) to the greatest extent possible the use of natural systems to provide filtration of stormwater run-off.

Policy 3.2.2. Through the ~~2020~~ 2040 planning period, all waterfront properties will be serviced by an adequate central sewer system.

Objective 3.3. Through the year ~~2000~~ 2040, the City shall, through its land development regulations, prohibit development which would result in the water quality of Apalachicola Bay, River and aquifers being degraded below the current classification of "good." ~~9J-5.013(2)(b)(2).~~

Existing Goal 4

Objective 4.1. By 2020, decrease the amount of unmanaged hazardous waste sites by fifty percent. Through 2040 continue coordination with the County and Apalachee Regional Planning Commission to manage any hazardous waste sites.

Objective 5.1. Projected demands through the year ~~2000~~ 2040 will be met by maintaining the County landfill in accordance with FDEP & permit requirements.

Existing Goal 7

Objective 7.1. Increase the number of interlocal agreements between the City of Apalachicola, Carrabelle, the County and other utility districts by 25 percent by the year ~~2000~~ 2040.

Existing Goal 8

Objective 8.1. By 2020, the City will request assistance from the Northwest Florida Water Management District to identify and map prime natural groundwater aquifer recharge areas. Through 2040, the City will continue to coordinate with the Northwest Florida Water Management District to identify, update and map natural groundwater aquifer recharge areas.

Objective 8.2. By 2020, the City land development code will provide for maintenance of aquifer recharge areas functions. Through 2040 the City land development code will provide for protection of aquifer recharge area functions.

RECREATION AND OPEN SPACE ELEMENT

Existing Goal 1

Objective 1. Parks and recreation facilities will meet and maintain the adopted LOS standards through the year ~~2000~~ 2040.

Policy 1.2 : The City will apply for grants and fully utilize yearly budgeted funds to correct ~~existing~~ recreation deficiencies as they arise.

Objective 2. Lands designated as recreational open space as designated on the Future Land Use map series will be protected from incompatible land uses, lights, sound and activities and will remain functionally intact through at least the year ~~2000~~ 2040. New developments both public and private, over five acres will provide designated open spaces in the proposed site plan.

Policy 2.4: City squares as identified in the element shall be preserved as open space. The City shall encourage acquisition of privately owned city squares in order to eliminate non-conforming uses on city Squares shall, through City policies, be eliminated by 2040 . ~~2000~~.

Objective 3. ~~By 1995, Through 2040~~, existing public recreation facilities shall have automobile, bicycle and pedestrian access which supports the adopted LOS standards. New facilities both public and private will show these provisions in site plans reviewed for approval.

Objective 4. By ~~2000~~, 2040 each of the nine (9) City streets which end at the riverfront will provide pedestrian access to the Apalachicola River.

Policy 4.1. ~~By 1995, Through 2040~~, the City shall protect road ends terminating at the river and will discontinue the policy of leasing riverfront street ends. In the event that the City cannot maintain riverfront access at the end of any street, the City will acquire an alternative access point so that the total number of pedestrian access points (9) to the Apalachicola River will not be decreased through the year 2040. ~~2000~~.

Objective 5. ~~By 1992, Through 2040~~, the City [shall] improve coordination continue to coordinate with the County and school district and with the private sector through specific points of contact to provide improvements in recreational opportunities and facilities.

TRAFFIC CIRCULATION ELEMENT

Existing Goal 1

Objective 1. Existing roadway levels of service will be maintained at LOS C or better through the year 2040 ~~2020~~.

Policy 2.1. The City Building Official shall continue to identify any right-of-way encroachment on arterial and collector roads by block and lot number and an annual report made to the City Planning and Zoning Commission. All identified encroachments shall be scheduled for elimination by ~~2040 2020~~ except within the historic district where construction efforts have been permitted that allow minor encroachments for the purpose of preserving historic design.

Policy 2.2. There will be no variances which would permit the reduction of setback requirements along arterial and collector roads through the projected planning period 2040 ~~2020~~.

Objective 3. Projected traffic demand through the year 2040 ~~2020~~ will be met by undertaking the opening and/or surfacing of platted undeveloped streets (approximately one mile each year).

INTERGOVERNMENTAL COORDINATION ELEMENT

Existing Goal 1

Objective 1.1. For coordination with Franklin County and the Franklin County School Board, the City of Apalachicola ~~should, shall through 2040~~, maintain existing mechanisms which are effective and enhance or revise existing mechanisms which are ineffective or establish new mechanisms for issues not addressed by existing mechanisms. This will be accomplished by a review and recommendation made by the Planning Department annually. ~~during 1990~~.

Objective 1.3. ~~Establish-Maintain through 2040~~ a flexible mechanism for use by all local governments in the area of concern, other units of government providing services but not having regulatory authority over the use of land, and state and federal agencies which have been identified as interested parties. ~~A review of action taken to accomplish this objective will be made by the planning department during the first quarter of 1991.~~

HISTORIC ELEMENT

Existing Goal 1

Objective 1. ~~Through 2040, By 2027, the City shall~~ implement ordinances and regulations ~~are in place which provide specific regulations~~ to direct and guide the maintenance and improvement of the Historic District facilities.

Objective 2. ~~By 1992, Through 2040~~, the City of Apalachicola will continue to encourage developed a program that requires handicapped access on all rehabilitations of commercial and public historic structures.

Objective 4. ~~By 1995, Through 2040~~, the city will support the ~~of have developed existing development of a working waterfront museum along the Apalachicola River from Wharf Lot I to Battery Park.~~ and encourage the provision of similar businesses which promote the local seafood boating and fishing culture of the working waterfront.

Objective 5. ~~By 1995~~, the City will acquire two (2) historic structures for use as public buildings. Through 2040, The City will continue to maintain its City-owned historic structures through grant funding and innovative public/private partnerships.”

Objective 6. Through 2040, the city will apply for and support others in applying for grants and other available funds to acquire and/or improve historical structures, spaces, and other actions which will enhance the Historical District.

ECONOMIC DEVELOPMENT ELEMENT

Existing Goal 1, Objective 3

Policy 3.2. ~~By December 31, 1995~~, the City's Planning Commission shall ~~develop~~ continue to utilize parcel level geographic information ~~which can be used to analyze land for its potential to accommodate future industrial/commercial uses.~~

Policy 3.3. ~~Not later than the deadline established by Section 163.3202(1), Florida Statutes~~, the City shall incorporate a diversity of land uses ~~regulations~~ into the land development regulations to facilitate economic growth.

Existing Objective 4

Policy 4.1. The city shall establish cooperative agreements between the county government to provide public, water and sewer facilities for areas where economic growth is appropriate ~~as based on Future Land Use Element by December 31, 1992~~, and review those areas and agreements annually.

Policy 4.2. The city shall coordinate with representatives of School Board and other educational institutions in order to promote and enhance the overall educational attainment and job skills of Apalachicola residents ~~by meeting not less than semi-annually beginning October 1, 1991.~~

PRIVATE PROPERTY RIGHTS ELEMENT

Goal 1: The City of Apalachicola will consider private property rights in all local decision making.

Objective 1: Apalachicola will respect constitutionally-protected private property rights.

Policy 1: The City of Apalachicola will respect the rights of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 2: The City of Apalachicola will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 3: the City of Apalachicola will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 4: The City of Apalachicola will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or the state land planning agency issues a notice of intent determining the amendment is not in compliance, this amendment shall become effective on the date the state planning agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

Adopted the 5th day of December, 2023.

FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA

BRENDA ASH, MAYOR

ATTEST:

Lee Mathes, City Clerk

Revised policies from draft comp plan ordinance. The following is a list of those policies and objectives that have been modified in response to the ORC letter received July 28, 2023. Those drafted policies have been discussed individually with staff and commissioners and in some cases, re-revised for clarification or accuracy. Revised draft policies appear in yellow. Notes about the revised policy follow and re-revised draft policies in response to staff/commissioner input appear in blue/pink.

Capital Improvements Element – page 3

Existing Goal 1 – new policies

Policy 1.4.9 The city shall implement and annually update the Area of Critical State concern Work Program within the Capital Improvements budget to provide adequate infrastructure , protect water quality of the bay and river, increase affordable housing opportunities; diversify the economy, and protect the historic community character of the City of Apalachicola.

Policy 1.4.10: : The City shall implement Stewardship funding by annually evaluating and updating the need for repairs, retrofits or expanded capacity of the potable water, wastewater treatment and stormwater system through the ten year planning horizon of 2034.

Policy 1.4.11 The City adopts the 2023 Area of Critical State Concern Work Plan into the Comprehensive Plan and is hereby attached and referenced.

Policy 1.4.12: The City shall annually update the Capital Improvements Plan including revisions or additions to the 2023 ACSC Work Plan and copy the Department of Commerce in November of each year.

Policy 1.4.13: The City shall seek funding to replace documented existing deficient water system equipment by 2026.

Coastal Management Element – ordinance page 5 -

Policy 2.7: The city shall prohibit the alteration, other than stormwater improvements and approved maintenance of mosquito ditches and shall provide treatment through the addition of nutrient reducing baffle boxes prior to discharge to the bay.

Note: This is a policy that is already in plan but was objected to by DOC because was not measurable. The draft revision below includes language that City staff would prefer switched from mosquito ditch term to stormwater conveyance and now **includes provisions** for measurable action.

Policy 2.7: The city shall prohibit the alteration of stormwater conveyance ditches that discharge directly to the bay other than for engineer-designed stormwater improvements that provide for treatment prior to discharge.

Coastal Management Element – ordinance page 6

Policy 5.3: The City shall apply annually for grants available through DER, DCA, EPA and the Northwest Florida Water Management District and other sources for the repair and construction of new drainage facilities within the City.

Note: Above is an existing **policy** revised to remove out of date specific agency abbreviations that change frequently – **below** is the suggested revision.

Policy 5.3. The City shall apply annually for funding for the repair and construction of new drainage facilities within the City.

Conservation Element – ordinance page 11

Policy 8.7: The City shall prohibit the alteration, other than approved stormwater improvements with nutrient reducing baffle boxes and maintenance, of mosquito ditches.

Note: Above is an existing policy that was objected to by DOC because was not measurable. The draft revision included language that Travis would prefer switched from mosquito ditch term to stormwater conveyance. The re-revised policy includes provision for measurable action– **below** is the suggested revision with specific **engineer-design** reference.

Policy 8.7: The city shall prohibit the alteration of ditches that discharge directly to the bay other than for **engineer-designed** stormwater improvements that provide for treatment prior to discharge.

Housing Element - Page 12

Policy 1.1.7: By 2026, the City will evaluate obstacles to construction of affordable housing and revise comprehensive plan policies and land development regulations to facilitate the construction of additional affordable housing.

Note: Above is a new post-ORC policy that connects to ACSC work Plan. This was based on housing study grant which may not include actual plan or LDR changes as a deliverable. Below is suggested revision that embodies the intent of the housing study grant.

Policy 1.1.7: By 2026, the City will complete an affordable housing study which will include recommendations for increasing affordable housing opportunities in the City.

Housing Element - Page 12

Policy 1.1.8: By 2033, the City will seek housing rehabilitation funding to correct the existing 54 houses which lack plumbing and the 94 units which lack complete kitchen facilities and are classified as substandard houses by the Shimberg Center.

Note: Above is an existing policy that was revised post-ORC objection to reflect current Shimberg numbers but is re-revised below to reflect reality of government's ability to correct deficiencies without actual funding and/or input of housing authorities. Below is the revised policy with funding availability language added.

Policy 1.1.8: By 2033, the City will coordinate with Franklin County and the Florida Housing Coalition to identify and provide remediation and funding availability information to owners of substandard housing within the City as identified by the University of Florida Shimberg Center.

Housing Element - Page 12

Objective 2: By the year ~~2000~~ 2040, rehabilitate at least ~~289~~ 148 substandard units and demolition of dilapidated units.

Note: The above objective is an existing objective that was revised post-ORC objection to reflect current Shimberg numbers but is re-revised now to reflect reality of government's ability to correct deficiencies without actual funding and/or input of housing authorities. Below in blue is the re-revised objective.

Objective 2: Through the year 2040, the City will develop and maintain an intergovernmental coordination agreement with Franklin County and coordinate with the Florida Housing Coalition to identify funding to repair or rebuild all substandard housing within the City as identified by the University of Florida Shimberg Center.

Housing Element - Page 12

Objective 3: By the year ~~2040~~ 2000, all substandard housing shall be eliminated, with half of the substandard units eliminated by 1996.

Note: The above **objective** is an existing objective that was revised post-ORC objection to reflect current Shimberg numbers but is re-revised now to reflect reality of government's ability to correct deficiencies without actual funding and/or input of housing authorities. Below **in blue** is the re-revised objective that also removes out of date reference.

Objective 3: . By the year 2040, the City will, through an intergovernmental agreement with Franklin County **and consultation** with the Florida Housing Coalition, develop a coordinated plan to eliminate all substandard housing within the City.

Public Facilities Element – page 14

Policy 1.3.3: By 2025, the City will implement funding to correct potable water deficiencies and will monitor Trihalomethane levels in the water supply to maintain levels safe for human consumption.

Note: This is a new post-orc **policy** that acknowledges the city's efforts in correcting water deficiencies to its ongoing commitment to monitoring and maintenance for continued safety. It indirectly connects to ACSC infrastructure work and water quality and has been **re-revised** to reflect current compliance.

Policy 1.3.3: Through 2040, the City will continue to monitor Trihalomethane levels in the City's potable water supply to assure that levels safe for human consumption are maintained.

Public Facilities Element – page 15

Policy 3.1.6: By 2025, the city shall coordinate with the Apalachicola National Estuarine Research Reserve to increase public awareness of stormwater impacts to the water quality of the bay and river.

Note: **Above** is a new post-orc policy that connects to the ACSC work plan in that it reinforces commitment to water quality and stewardship of the river through outreach. The policy has been revised **below** to be more inclusive of other groups that may be able to provide public awareness and outreach.

Policy 3.1.6: Through 2034, the city shall continue to coordinate with the Apalachicola National Estuarine Research Reserve and other agencies or groups to provide public awareness of stormwater impacts to the water quality of the bay and river.

Public Facilities Element – page 15

Policy 3.1.7: By 2028, the City will reduce vulnerability to flooding by relocating the wastewater plant outside the Coastal High Hazard Zone.

Note: **Above** is a new post-orc policy that connects directly to the ACSC work plan infrastructure project list and reinforces the City's commitment to vulnerability mitigation. The policy has been revised **below** to reflect more realistic construction timeframe.

Policy 3.1.7: By 2034, the City will reduce vulnerability to flooding by relocating the wastewater plant outside the Coastal High Hazard Zone.

Public Facilities Element – page 15

Policy 3.1.8: By 2028, the City shall reduce non-point source pollution by constructing stormwater management systems from the phase 1 stormwater facility analysis.

Note: Above is a new post-orc policy that connects directly to the ACSC work plan infrastructure project list and reinforces the City's commitment to water quality. The policy has been revised below to correct project study reference.

Policy 3.1.8: By 2028, the City shall reduce non-point source pollution by completing repairs to deficient drainage facilities as identified in the 2017 Drainage Basin Analysis (Phase I).

Public Facilities Element – page 15/16

Policy 3.1.10: By 2034, the ten year planning horizon, the city will continue to conduct and implement studies to determine the flooding impacts of climate change.

Note: Above is a new post-orc policy that connects directly to the ACSC work plan infrastructure project list and reinforces the City's commitment to vulnerability mitigation. The policy has been revised below to reflect more specific reference to flood vulnerability mitigation.

Policy 3.1.10: Through 2034, the ten year planning horizon, the city will continue to seek funding for the planning and implementation of studies and infrastructure projects that will reduce the impact from projected future flooding.

Public Facilities Element – page 16

Objective 4.1. By 2020, 2040 continue coordination with the County and Apalachee Regional Planning Commission to manage decrease the amount of unmanaged hazardous waste sites.

Note: above not identified as a change during commission briefings. Revised as per Commissioner Duncan to be more clear.

Objective 4.1. By 2040 continue coordination with the County and Apalachee Regional Planning Commission to manage any hazardous waste sites.

Public Facilities Element – page 16

Objective 8.1. ~~By 2020 Through 2040, the City will request assistance from~~ continue to coordinate with the Northwest Florida Water Management District to identify, ~~and update and map~~ prime natural groundwater aquifer recharge areas.

Note: above not identified as a change during commission briefings. Re-revised to remove “prime” from policy as there are no prime recharge areas in area.

Objective 8.1: Through 2040, the City will continue to coordinate with the Northwest Florida Water Management District to identify, and update and map natural groundwater aquifer recharge areas.

Public Facilities Element – page 16

Objective 8.2. ~~By 2020, Through 2040 the planning horizon,~~ the City land development code will provide for ~~maintenance~~ protection of aquifer recharge area functions.

Note: above not identified as a change during commission briefings. Re-revised to remove “prime” from policy as there are no prime recharge areas in area.

Capital Improvements Element – page 3

Existing Goal 1

Policy 1.4.9 The city shall implement and annually update the Area of Critical State concern Work Program within the Capital Improvements budget to provide adequate infrastructure , protect water quality of the bay and river, increase affordable housing opportunities; diversify the economy, and protect the historic community character of the City of Apalachicola.

Policy 1.4.10: : The City shall implement Stewardship funding by annually evaluating and updating the need for repairs, retrofits or expanded capacity of the potable water, wastewater treatment and stormwater system through the ten year planning horizon of 2034.

Policy 1.4.11 The City adopts the 2023 Area of Critical State Concern Work Plan into the Comprehensive Plan and is hereby attached and referenced.

Policy 1.4.12: The City shall annually update the Capital Improvements Plan including revisions or additions to the 2023 ACSC Work Plan and copy the Department of Commerce in November of each year.

Policy 1.4.13: The City shall seek funding to replace documented existing deficient water system equipment by 2026.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: December 5, 2023**

SUBJECT: Municode Ordinance 2023-08

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 2
Department: Administration
Contact: Lee Mathes/Dan Hartman
Presenter: Dan Hartman

BRIEF SUMMARY: First Reading of Ordinance 2023-08

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve 1st Reading and Proceed with Advertisement for 2nd Reading and Adoption

FUNDING SOURCE: N/A

ATTACHMENTS: Ordinance 2023-08

STAFF'S COMMENTS AND RECOMMENDATIONS: None

**CITY OF APALACHICOLA
ORDINANCE NO. 2023-08**

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF APALACHICOLA, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COMMISSION:

Section 1. The Code entitled "Code of Ordinances, City of Apalachicola, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 115, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before October 2, 2021 and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a of not more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding sixty (60) days, or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance, resolution, rule, regulation or order shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after October 2, 2021, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective immediately upon final adoption.

PASSED FIRST READING ON: _____

PASSED SECOND READING ON: _____

CITY OF APALACHICOLA

BY: _____
Brenda Ash, Mayor

ATTEST:

Lee Mathes
CITY CLERK

APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: December 5, 2023

SUBJECT: Duke Energy Electric Vehicle Charging Station Agreement

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 2
Department: Administration
Contact: Travis Wade/Lee Mathes
Presenter: Travis Wade

BRIEF SUMMARY: Duke Energy reached out to the City and asked if the City would like to take ownership of the Electric Vehicle Charging Stations on Avenue D and Avenue F. After reviewing the annual usage of both stations, along with the cost of electricity vs the amount charged by surrounding areas for using charging stations, the stations would not generate revenue and would cost the City money to own/operate. Additionally, there would be no warranty and cost of future repairs/maintenance and a \$200 annual fee for using the Shell Recharge system would be a responsibility of the City.

RECOMMENDED MOTION AND REQUESTED ACTIONS: None

FUNDING SOURCE: N/A

ATTACHMENTS: Agreement

STAFF'S COMMENTS AND RECOMMENDATIONS: None



ELECTRIC VEHICLE DC FAST CHARGING SITE HOST AGREEMENT

THIS ELECTRIC VEHICLE SITE HOST AGREEMENT (the "Agreement") is entered into as of this 2 day of May, 2021 ("Effective Date"), between DUKE ENERGY FLORIDA, LLC ("Duke Energy") and City of Apalachicola ("Host"). Duke Energy and Host may be referred to individually as a "Party" and collectively as the "Parties".

RECITALS

WHEREAS, Duke Energy has created the electric vehicle program (the "Program"), pursuant to which Duke Energy will install, own, operate, maintain and support electric vehicle supply equipment ("EVSE") within the Duke Energy Florida service area and will record system data to evaluate charging behavior and provide Program evaluations to the Florida Public Service Commission;

WHEREAS, Host desires to become a participant in the Program and have Duke Energy install and own the EVSE and associated wires, cables, electric meter and panel and other behind-the-meter equipment (collectively, the "Equipment") and associated front-end electric infrastructure, including wires, cables, conduits, transformers and related accessories and other equipment (the "Infrastructure") on the properties identified in the Statements of Work attached hereto as Exhibit A (each, a "Statement of Work"), which is incorporated herein by reference (individually or collectively referred to as the "Property");

WHEREAS, Duke Energy is willing to enroll Host in the Program and to install the Equipment and Infrastructure at the Property in accordance with the terms of this Agreement and the Program; and

WHEREAS, Duke Energy has selected a company to provide network access for the Program (the "Network Provider") and the Network Provider may charge nominal transaction fees for charging sessions, the payment of which is set forth in Section 1(c) below.

NOW THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

1. DUKE ENERGY'S OBLIGATIONS.

a. Duke Energy and/or its contractors shall design and construct the Equipment and Infrastructure in compliance with the Program terms, as well as all applicable local, state and federal laws and regulatory requirements. Duke Energy and/or its contractors will coordinate location, placement, and connection of the Equipment with Host. Duke Energy Florida's contractors will obtain electrical permits only. Should the proposed installation schedule require modification, Duke Energy shall notify the Host within a reasonable amount of time of such changes. At the option of Duke Energy, all

Equipment shall be Duke Energy branded. Notwithstanding the foregoing, at Duke Energy's option, if permitted and reasonably practical, the electric meter, panel, and a portion of the Equipment shall be Duke Energy and Host co-branded, with such specifications to be mutually agreed upon by the Parties.

b. Duke Energy shall install and own a new electric meter and panel at the Property, which shall represent a separate new account independent from that of the Host.

c. Pursuant to the tariff filed with the Florida Public Service Commission (Duke Energy Tariff FCF-1) Duke Energy shall establish a fee to drivers of the approved rate tariff FCF-1, or the prevailing approved rate in effect at the time. The charges to be paid by such drivers will be collected by the Network Provider.

d. During the Term (as defined in Section 3 below) of this Agreement, subject to Section 2(c) below, Duke Energy and/or its contractors shall maintain and repair the Equipment and Infrastructure at Duke Energy's expense. Duke Energy shall repair the Equipment and/or Infrastructure promptly following notification from Host. Duke Energy shall have the right to repair, modify or replace the Equipment and/or Infrastructure at any time during the Term of this Agreement. Duke Energy shall schedule access for installation, maintenance and repairs during a mutually agreeable time. In emergency situations, Host will provide Duke Energy access as soon as reasonably possible and, if directed by Duke Energy, will immediately cease the operations of the EVSE or otherwise prohibit use of the EVSE for such time as directed by Duke Energy.

2. HOST'S OBLIGATIONS.

a. Host shall provide Duke Energy, its representatives, Network Provider, contractors, and designees access to the Program site for purposes of design and installation of the Equipment and Infrastructure.

b. Host agrees to grant Duke Energy permission as needed for Duke Energy to install the Equipment and Infrastructure and implement the Program at the Property. If determined by Duke Energy, as a requirement for Host's participation in the Program, Host agrees to execute a Duke Energy easement as required by Duke Energy in order to grant it sufficient rights for the installation, maintenance, repair and replacement of the Infrastructure.

c. Host shall grant to Duke Energy and/or its contractors such access to the Property as may be deemed necessary or desirable by Duke Energy for the assessment, installation, and the maintenance, repair and/or replacement of all or any portion(s) of the Equipment throughout the Term of this Agreement. In the event the Equipment fails to operate or

otherwise requires repairs, Host shall notify Duke Energy promptly. Host shall not damage, disable, modify or tamper with the Equipment in any way except to the extent required by an emergency situation. If Host violates the preceding sentence, Duke Energy shall repair or replace the Equipment at Host's sole expense.

d. Host acknowledges that Duke Energy and/or its contractors will gather data and information from the Equipment with respect to vehicle charging activity, vehicle usage and technical performance of the vehicle and Equipment. Duke Energy shall own all rights to such data and information. Host acknowledges that such data and information will be used and disclosed by Duke Energy and third parties for the purpose of understanding and evaluating the impact of electric vehicles on transit systems and the electric power grid, for use in regulatory reporting, industry forums, case studies or other similar activities, in accordance with applicable laws and regulations. Duke Energy will make available to the Host, in its sole discretion, relevant station utilization data to assist with decisions to invest in additional charging stations by the Host.

e. Host shall provide public, nondiscriminatory access to the EVSE year-round, 24 hours a day, seven days a week and shall ensure that the charging point is accessible during such times.

f. Host shall be permitted to promote and advertise the Program; provided, however, Duke Energy reserves the right to review and approve any and all advertising, marketing, co-branding or promotional copy or materials developed or used by the Host which references the Host's participation in the Program. Duke Energy may require the Host to submit such copy and materials for pre-approval. Approval shall be granted, unless Duke Energy in its sole discretion, reasonably determines that the copy or materials are misleading, in error, or fail to meet the requirements of the Program terms and conditions, or is not in Duke Energy's best interest. In the event that Duke Energy does not approve, Host agrees to remove from circulation or otherwise discontinue the use of any such materials. Host shall not use, reproduce or display any trademark owned or held by Duke Energy or any of its affiliates without the prior written consent of Duke Energy.

g. Host shall use commercially reasonable efforts to maintain the electric vehicle parking area in safe, condition, to at least the same standard as it customarily maintains the common areas at the Host Property. Host shall take reasonable measures to discourage and prevent anyone other than an EV driver or to whom a particular EVSE has been dedicated from parking in such space, including, without limitation, towing.

3. TERM AND TERMINATION.

a. This Agreement shall be effective as of the date of execution by both Parties. The term shall commence on the Effective Date and shall continue for ten (10) years (the "Term"), unless sooner terminated or extended as provided herein. Duke Energy shall have the right to extend the Term

of this Agreement for one year by giving Host written notice of such extension at least thirty (30) days prior to the end of the Term. Upon expiration or an extension of the Term, Duke Energy in its sole discretion, may transfer title to the Equipment to Host as set forth in Section 5 below.

b. Notwithstanding anything herein to the contrary, Duke Energy shall have the right to terminate this Agreement at any time upon thirty (30) days written notice to Host, which shall be effective as of the effective date of termination set forth in such notice. In addition, in the event Duke Energy determines that the Property is not technically compatible for the purposes hereunder, Duke Energy shall have the right to terminate this Agreement immediately upon written notice to Host. Unless otherwise agreed to by the Parties, Duke Energy shall remove the Equipment following any such termination and return the area to normal parking, in each case at Duke Energy's sole expense; provided, however, that Duke Energy shall have the option but not the obligation to remove any Infrastructure.

c. Notwithstanding anything herein to the contrary, Host shall have the right to terminate this Agreement at any time upon thirty (30) days written notice to Duke Energy, which shall be effective as of the effective date of termination set forth in such notice (the "Termination Date"). In the event of a termination of this Agreement pursuant to this Section 3(c), Host shall pay to Duke Energy on the Termination Date an amount equal to the Termination Fee (as defined below). Unless otherwise agreed to by the Parties, Duke Energy shall remove the Equipment following any such termination and return the area to normal parking, in each case at Host's sole expense; provided, however, that Duke Energy shall have no obligation to remove any Infrastructure.

d. The "Termination Fee" shall be calculated by Duke Energy and shall equal the pro rata portion of the depreciated dollar value of the Equipment and Infrastructure attributable to the portion of the Term not completed. For informational purposes only, Duke Energy's good faith estimate of the full dollar value of the Equipment and Infrastructure for a particular Property as of the date of a particular Statement of Work shall be included in the Statement of Work for such Property; provided, however, that such estimate shall have no impact on the actual calculation of the Termination Fee.

4. ELECTRIC SERVICE COST/INTERRUPTION OF SERVICE.

Duke Energy shall be responsible for the installation of a system by which to charge for all electrical consumption costs derived from the utilization of EVSE for charging electric vehicles. During the Term, Host will not be billed for the electricity utilized by the EVSE, other than pursuant to its utilization of the EVSE in accordance with Section 1(c). The Parties acknowledge and agree that, pursuant to the tariff on file with the Florida Public Service Commission, Duke Energy does not guarantee continuity of service to the EVSE and is not responsible or liable for interruption, failure, or defect in the supply or character of electricity furnished to facilities or Equipment.

5. **TITLE TO EQUIPMENT.** At all times during the Term of this Agreement, title to the Equipment and Infrastructure shall remain with Duke Energy and neither the Equipment nor the Infrastructure shall be considered fixtures or in any way the property of Host. Upon the expiration of this Agreement, including any extensions thereof, and at Duke Energy's and Host's mutual decision, title to the Equipment may transfer to Host at reasonable book or market value and with no representations or warranties or recourse against Duke Energy. Upon transfer of title to the Equipment to Host, (i) Host releases Duke Energy from any liabilities, including, but not limited to, any claim or action for bodily injury or property damage resulting from or related to the Equipment or the use of the Equipment whether arising prior to or after such transfer and (ii) Host will be responsible for electrical consumption costs, network access fees, maintenance costs, and any repair costs thereafter.

6. **GOVERNMENTAL APPROVALS.** It is understood and agreed that Duke Energy's ability to install the Equipment and Infrastructure is contingent upon its obtaining after the execution date of this Agreement all of the applicable permits and other approvals that may be required by any federal, state or local authorities (collectively the "**Governmental Approvals**"). Host shall cooperate with Duke Energy in its effort to obtain such Governmental Approvals. In the event that any of such applications for such Governmental Approvals should be finally rejected or Duke Energy determines that such Governmental Approvals may not be obtained in a timely manner or any Governmental Approval issued to Duke Energy is canceled, expires, lapses, or is otherwise withdrawn or terminated by the applicable governmental authority, Duke Energy shall have the right to terminate this Agreement immediately upon written notice to Host.

7. **ACCESSIBILITY REQUIREMENTS.** Host understands and accepts that electric vehicle charging facilities that are publicly accessible shall comply with the Americans with Disabilities Act (ADA) and any applicable State of Florida building standards. Host understands and accepts that such standards may impact parking layouts and potentially change the number of non-accessible parking spaces available. Host understands and accepts that changes to initial design representations may occur during the design, construction and operational phases of the Program and may be dictated by design constraints, by law or regulation or by local jurisdictional authorities. Host shall be responsible for any construction upgrades to the Property required in order for the Property to be ADA compliant and hereby agrees that Duke Energy will not be responsible for any construction upgrades required for the EVSE or the Property to be ADA compliant, including but not limited to, the construction of ADA-compliant ramps or the inclusion of certain signage or paint markings.

8. **DUTY TO NOTIFY.** Host shall have the duty to notify Duke Energy promptly regarding any unsafe, inoperable or damaged equipment that applicant becomes aware of. In addition, Host shall promptly report all claims and/or incidents to Duke Energy or its designated representative(s), and

promptly thereafter confirm in writing, the occurrence of any injury, loss, or damage incurred.

9. **COMPENSATION.** Under no conditions shall Host or EV drivers receive compensation of any kind, either by cash, in-kind services, or otherwise, for any duties or requirements provided for in these terms and conditions or for participation in any way as part of the Program, including but not limited to: use of data for lawful purposes, loss of business activity during construction or maintenance activities, or any other inconvenience or loss, without limitation, related to participation in the Program.

10. **CHANGES.** Duke Energy may initiate changes to the Program as circumstances dictate.

11. **HOST REPRESENTATIONS.** Host represents and warrants that: (a) it is the owner or authorized manager of the proposed Property and has the power, authority and capacity to bind itself to undertake the Program terms and conditions; and to perform each and every obligation required of Host under the Program, (b) the Property is subject to no conditions, restrictions or covenants incompatible with the installation, maintenance, repair, replacement or use of the Equipment or Infrastructure; and (c) the Property is free of environmental contamination that violates any laws.

12. **DAMAGE TO PROPERTY.** Duke Energy shall be responsible for repairing any damage to the Property directly caused by the installation, maintenance and/or repair of the Equipment/Infrastructure.

13. **INDEMNIFICATION.** Subject to the limitations set forth in the Agreement, each Party shall indemnify and hold the other harmless against any claim of liability or loss from bodily injury or property damage resulting from or arising out of the negligence of such Party, its servants or agents, excepting, however, such claims or damages as may be due to or caused by the acts or omissions of the other Party, its servants or agents.

14. **SALE OF PROPERTY.** Host shall notify Duke Energy at least thirty (30) days prior to any sale of the Property. Within thirty (30) days following receipt of such notice, Duke Energy, in its sole discretion, may elect to permit the Host to transfer this agreement and all obligations of the Host to the new owner or to remove the Equipment at Host's sole expense. If Duke Energy elects to remove the Equipment, this Agreement shall be deemed to be automatically terminated without any further action required by either Party as of the earlier of (a) the date the sale of the Property is consummated and (b) the date the Equipment is removed.

15. **TAXES/TAX CREDITS.** To the extent the installation or ownership of the Equipment generates any tax credits, such credits shall be the sole property of and shall inure to the benefit of Duke Energy for the period for which it owns the Equipment provided under this Agreement. If, for any reason, any such credits are not received by Duke Energy, but are instead received by Host, Host agrees to promptly pay the dollar amount of any such credits to Duke Energy.

16. **LIMITATION OF LIABILITY.** In no event shall either Party be liable for consequential, special, incidental, exemplary, punitive, or any indirect damages of any nature arising at any time, from any cause whatsoever. Except for its fraud, willful misconduct or intentional misrepresentation, each Party's aggregate liability relating to this Agreement shall not exceed Two Hundred and Fifty Thousand dollars (\$250,000).

17. **GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida without reference to its conflict of laws principles.

18. **ENTIRE AGREEMENT; AMENDMENTS; ORDER OF PRECEDENCE.** This Agreement represents the entire agreement between Duke Energy and Host with respect to the subject matter hereof and supersedes all prior negotiations, binding documents, representations and agreements, whether written or oral, with respect to the subject matter hereof. The Parties may modify and replace any Statement of Work upon mutual agreement in writing. This Agreement may be amended or modified only by a written instrument duly executed by an authorized representative of each Party. The "Agreement" shall mean and shall consist of the following documents, listed in their order of priority in the event of a conflict: (a) any amendment signed by both Parties; (b) any Statement of Work; (c) the terms of this document; (d) any exhibit(s), schedule(s), or descriptions and specifications incorporated into the Agreement.

19. **SUCCESSORS AND ASSIGNS.** Host may not assign, convey or transfer all or any part of this Agreement without Duke Energy's prior written consent. This Agreement shall be binding on, and inure to the benefit of, the Parties and their successors and permitted assigns. Duke Energy may assign this Agreement or any benefit, interest, right or cause of action arising under the Agreement to any person without restriction.

20. **NO WAIVER.** No course of dealing or failure of Duke Energy or Host to enforce strictly any term, right or condition of this Agreement shall be construed as a waiver of that term, right or condition. No express waiver of any term, right or condition of this Agreement shall operate as a waiver of any other term, right or condition.

21. **SURVIVAL.** All sections of this Agreement providing for indemnification or limitation of or protection against liability of either Party shall survive the termination or expiration of this Agreement. Additionally, any provisions of this Agreement which require performance subsequent to the termination or expiration of this Agreement shall also survive such termination or expiration.

22. **SEVERABILITY.** If any provision of this Agreement or the application of this Agreement to any person or circumstance shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement and the application of that provision to persons or circumstances other than those as to which it is specifically held invalid or unenforceable shall not be affected, and every remaining

provision of this Agreement shall be valid and binding to the fullest extent permitted by laws.

23. **NOTICES.** All notices hereunder must be in writing and shall be deemed validly given if sent by U.S. mail, commercial courier, personal delivery or email, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

Host: City of Apalachicola
Attn: Travis Wade
Phone: 850-653-9319

Duke Energy: Duke Energy Florida, LLC
Attn: Program Manager - Park & Plug
PO Box 14042
St Petersburg, FL 33733
Phone: 800-700-8744

Notice shall be effective upon receipt or such later date specified in the notice.

24. **COUNTERPARTS.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Transmission of images of signed signature pages by facsimile, e-mail or other electronic means shall have the same effect as the delivery of manually signed documents in person.

25. **NO JOINT VENTURE.** The Parties intend by this Agreement to establish the basis upon which they will cooperate together, but on an independent basis. This Agreement does not constitute or create a joint venture, partnership, or any other similar arrangement between the Parties. Each of the Parties is independent and none of them are an agent of, nor has the authority to bind the other for any purpose. No Party shall bind any other, or represent that it has the authority to do so.

26. **PHOTOS/VIDEO OF EQUIPMENT.** Host agrees, upon reasonable notice to allow Duke Energy to enter the Property to take photographs or video of the Equipment. Duke Energy shall own all copyright and other intellectual property rights of such photographs or videos. To the extent the Property appears in any such photographs or videos, Host consents to Duke Energy's use and disclosure of such photographs or videos of the Property.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date first above written.

DUKE ENERGY FLORIDA, LLC

By: _____

Print Name: _____

Title:

HOST:

City of Apalachicola

By: _____

Print Name: Travis Wade

Title: City Manager

EXHIBIT A
STATEMENT OF WORK
Site Specific Electric Vehicle Infrastructure

This **STATEMENT OF WORK** ("SOW" or "Statement of Work") effective 05/02/22 is issued pursuant to the DUKE ENERGY Electric Vehicle Site Host Agreement for installation of DC Fast charger(s) dated 05/02/22 ("Agreement") between City of Apalachicola. ("Host") and DUKE ENERGY Florida, LLC ("Duke Energy"). At the following site location listed below. Each site location shall be issued a separate SOW.

Site Location: Market & Ave I: 215 4th St. Apalachicola, FL 32320

	Deliverable	Description
1	Equipment	TBD
2	Infrastructure to be installed/upgraded (Site map attached)	TBD
3	Permits/Notice of Commencement	<ul style="list-style-type: none"> Duke Energy electrical contractors will obtain required electrical permits Site host to provide Duke Energy Notice of Commencement
4	Site host responsibilities	
5	Anticipated Value of Equipment and Infrastructure* *For informational purposes only	\$[*]
6	Exceptions and Miscellaneous	<ul style="list-style-type: none"> Duke will replace landscaping damaged by installation process Standard Duke signage and pavement markings Duke may employ 3rd party service to regularly inspect, maintain, and address issues with equipment

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: December 5, 2023**

SUBJECT: Project Impact Loan

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 4
Department: Administration
Contact: Travis Wade/Lee Mathes
Presenter: Travis Wade

BRIEF SUMMARY: Nadine Kahn and Project Impact have requested that the City fund the organization's payroll of up to \$12,000 (last payroll for PI was \$11,600 for two weeks) for the upcoming two week pay period. State funds to cover their payroll are expected to be deposited into the City account soon, and the amount will be repaid.

RECOMMENDED MOTION AND REQUESTED ACTIONS: No Recommendation

FUNDING SOURCE: N/A

ATTACHMENTS:

STAFF'S COMMENTS AND RECOMMENDATIONS: None

APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: December 5, 2023

SUBJECT: 2nd Reading & Adoption Decision – Ordinance 2023-06 – Short Term Rental LDC Amendment

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 1
Department: Code Enforcement
Presenter: Dan Hartman

BRIEF SUMMARY:

Slight modifications to current transient lodging ordinance in order to facilitate the enforcement of short term rentals.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve 2nd Reading and Adopt Ordinance 2023-06

FUNDING SOURCE: N/A

ATTACHMENTS: Ordinance 2023-06

STAFF'S COMMENTS AND RECOMMENDATIONS: Approve

ORDINANCE 2023-06

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 91-7, WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE, REVISING SECTION II (LANGUAGE AND DEFINITIONS), SECTION IV (ZONING DISTRICTS AND REGULATIONS), AND SECTION X (TRANSIENT LODGING); AMENDING ORDINANCE 2005-08; AMENDING ORDINANCE 2006-01; AMENDING ORDINANCE 2006-05; AMENDING ORDINANCE 2017-07; AMENDING THE APALACHICOLA LAND DEVELOPMENT CODE, PART II – (LANGUAGE AND DEFINITIONS); AMENDING CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISION; SECTION 101-8 AMENDING THE DEFINITION OF TRANSIENT LODGING REVISIONS, AMENDING SECTION X (TRANSIENT LODGING), TO AMEND CHAPTER 111, ARTICLE III, DIVISION 4 – SUPPLEMENTAL REGULATIONS, SECTION 111-292 – DIMENSIONAL REQUIREMENTS AMENDING THE MINIMUM NUMBER OF UNITS PER BUILDING FOR BED AND BREAKFASTS AND TO AMEND SECTION 111-293 – ADDITIONAL REGULATIONS TO REMOVE THE COOKING FACILITIES REQUIREMENTS FOR TRANSIENT LODGING, FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

FINDINGS:

WHEREAS, the City of Apalachicola is a Florida Municipality duly incorporated, with all the rights and powers as provided in s. 2(b), Art. VIII of the State Constitution.

WHEREAS the current code provisions applicable to the definitions and requirement for transient lodging and bed and breakfasts in the City are in need of update. Clarification and additional guidance have been deemed necessary to effectively regulate short term rentals located in the City.

WHEREAS, the City of Apalachicola has determined that it is in the public interest to adopt amendments to its Land Development Code pertaining to transient lodging; and

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

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.

Section 1.

Section 101-8. Definitions

Transient accommodations – Any unit, group of units, building or group of buildings within a single complex of buildings, that is 1) rented for less than an entire calendar month, or for a period of thirty (30) or less consecutive days spanning two (2) months, and that is 2) advertised or held out to the public as a place regularly rented to transients. Forms of transient accommodations include the following:

(1) ***

(2) ***

(3) ***Bed and Breakfast*** means a place where tourists, transients, travelers or persons desiring overnight accommodations are provided with sleeping and sanitary facilities. ~~Cooking facilities other than a microwave oven are not allowed in an individual bed and breakfast room, but they are allowed within a common kitchen area.~~

Section 2.

Section 111-292. Transient Lodging

Dimensional requirements.

(1) *Hotel/motel.*

(2) *Bed and breakfast.*

~~a. Minimum number of units: two (per building).~~

~~b.a. Maximum number of units: ten (per building).~~

~~e.b. Minimum building lot size: that amount of land necessary to accommodate the desired number of units (minimum of two units) and still adhere to lot coverage and infrastructure requirements.~~

(LDC, art. X; Ord. No. 2017-04, § 4, 4-4-2017; Ord. No. 2017-07, § 3, 8-8-2017)

Section 3.

Section 111-293. Additional Regulations

In addition to any existing regulations relating to hotel/motel development found elsewhere in the land development regulations, the following criteria shall apply to all transient lodging facilities:

(1) *** (12)

~~(13) — Cooking facilities, other than microwave ovens, are not allowed in transient lodging (hotel/motel/B&B) facility units.~~

~~(13)~~(14) Transient lodging facilities (hotels/motels) located along the riverfront must provide access to the riverfront and provide boardwalk access along the waterfront and give a perpetual easement to the city for the general public.

~~(14)~~(15) Transient lodging facilities (applies to hotels, motels and bed and breakfasts) must be located in appropriate zoning districts as provided in the zoning chapter.

~~(15)~~(16) All transient lodging facilities must meet applicable parking, stormwater and site plan requirements as provided in the zoning chapter.

~~(16)~~(17) In the general commercial zone C-1 or riverfront commercial zone C-4, a building having a first-floor commercial use may have a bed and breakfast use on an upper floor provided all applicable requirements are met.

~~(17)~~(18) In the general commercial zone C-1, the first and/or upper floor of a stand-alone, single-family dwelling existing on the effective date of state department of economic opportunity's state register notice approving this provision may be converted to a bed and breakfast use, provided that the first floor dwelling footprint is not expanded and all parking, floodplain management provisions, and other applicable requirements are met.

(LDC, art. X; Ord. No. 2005-08, § 1, 9-27-2005; Ord. No. 2017-07, § 3, 8-8-2017)

Section 4. Severability Clause. If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable, shall be severed here from and the remainder of this Ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby

repealed.

Section 6. This ordinance shall take effect upon approval by the City Commission.

PASSED FIRST READING ON: _____

PASSED SECOND READING ON: _____

CITY OF APALACHICOLA

BY: _____
Brenda Ash, Mayor

ATTEST:

Lee Mathes
CITY CLERK

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: December 5, 2023**

SUBJECT: Backflow Preventer Testing Policy

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 2
Department: Drinking Water
Contact: Travis Wade
Presenter: Travis Wade

BRIEF SUMMARY: FDEP requires that the City insure that all installed backflow preventers are tested, and that the test results are submitted to FDEP on a regular schedule. In the past few years the City has notified property owners that their backflow testing is due, but for many reasons the property owners have been late having the inspections completed. This causes the City to be late submitting our test results to FDEP. I proposed to the agency that the City could create a policy where the City would hire a certified Backflow Preventer Tester (using the City's procurement policy) and add the cost of those tests to the property owner's water bill the next month. FDEP staff was very supportive of this policy. This would ensure that the testing is completed timely, the property owner is no longer burdened with the coordinating the test, and it is hopeful that the City will obtain a bulk rate pricing for the testing and save the property owner some money.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Recommend Adoption

FUNDING SOURCE: N/A

ATTACHMENTS: Backflow Testing Policy

STAFF'S COMMENTS AND RECOMMENDATIONS: None

POLICY NO. 2023-XX

BACKFLOW TESTING POLICY

Section 1: CROSS CONNECTION CONTROL PLAN: Rule 62-555.360 of the Florida Administrative Code (FAC), requires public water systems to establish a cross-connection control program to detect and prevent cross-connections that create or may create an imminent and substantial danger to public health. Rule 62- 555.360(2), FAC states, “Each community water system (CWS) shall establish and implement a cross-connection Rules and Regulations for Backflow Prevention and Cross-Connection Control 2 July 2021 Manual Update control program utilizing backflow protection at or for service connection from the CWS to protect the CWS from contamination caused by cross-connections on customers’ premises.” The cross connection control plan, which is approved by the Florida Department of Environmental Protection (FDEP), requires the City to test backflow preventers on an annual or bi-annual basis, depending on the type of preventer and the use of the property.

Section 2: A BACKFLOW PREVENTER is an assembly, device, or method that prohibits flow of fluid back into a potable water system. The type of backflow preventer used shall be based on the degree of hazard, either existing or potential.

Section 3: BACKFLOW PREVENTER TESTER: Backflow Preventer testing may be conducted by any person or business (including a licensed plumber) that (1) has received proper training and certification for backflow assembly testing as required herein, (2) meets the State of Florida's requirements to perform backflow testing, and (3) has not had City registration suspended or terminated for the violations cited herein.

Section 4: TESTING: FDEP requires that the City test all backflow preventers and submit the results of those tests to the FDEP upon completion. The City will procure a certified Backflow Preventer Tester to test the backflow preventers that are required by FDEP to be tested annually or bi-annually. The procurement will be done pursuant to the City’s procurement policy.

Section 5: COST OF TESTING: The City will add the cost of testing the backflow preventers to the water bill for the customer in the month immediately following the testing.

Section 6: This Policy (2023-XX) shall take effect on Wednesday, December 6, 2023 at 8:00 a.m., upon the approval of the City Commission at its regular meeting on Tuesday, December 5, 2023.

FOR THE CITY OF APALACHICOLA

BY: _____
Travis Wade, City Manager

ATTEST:

City Clerk

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: December 5, 2023**

SUBJECT: Parks & Recreation Committee to Discuss Proposed Building in Botanical Garden

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 3
Department: Administrative
Presenter: Parks & Recreation Committee

BRIEF SUMMARY:

City Commission asked the Parks & Recreation Committee to provide input on the proposed restrooms to be built in Botanical Garden.

RECOMMENDED MOTION AND REQUESTED ACTIONS: None

FUNDING SOURCE: N/A

ATTACHMENTS:

STAFF'S COMMENTS AND RECOMMENDATIONS:

CITY OF APALACHICOLA
FINANCE DEPARTMENT REPORT
NOVEMBER 2023

1. Moran & Smith were here the week of November 6th to continue work on the FY 21-22 audit. We are diligently working to get this audit completed. We are pushing to have it completed by the end of December.
2. We are continuing to upload documents for the FY 22-23 audit. This audit will start immediately following the completion of FY 21-22.
3. Workers Comp Audit and Public Depository Report have been completed and submitted on time.
4. USDA Audit will be completed by December 15th.
5. Banyan progress is moving slowly but it is moving. The priority is to get this up and running as quickly as possible. There are just many moving parts, but we are diligently working to get this accomplished.
6. The Finance Clerk does an amazing job at issuing purchase orders, posting deposits, and running accounts payable. While she completes the day-to-day tasks, I can focus on the detailed tasks that must be completed. There is much work to be done, and we are working hard to get this department where it needs to be.

If anyone has any questions, please don't hesitate to contact me. My door is always open, I respond to email, or you can call me anytime.

Lee Mathes
City Clerk/Interim Finance Director

A Public Hearing and Regular Meeting of the Apalachicola City Commission was held on Tuesday, November 7, 2023, at 4PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Despina George, Commissioner Donna Duncan, Commissioner Anita Grove, Commissioner Adriane Elliott, City Manager Travis Wade, City Attorney Dan Hartman, City Clerk Lee Mathes, Planner Bree Robinson, Code Enforcement Officer PJ Erwin, Grants Coordinator Kendall Falkner

Regular meeting opened by Mayor Ash followed by Invocation and Pledge of Allegiance.

AGENDA ADOPTION

Mayor Ash outlined the following agenda amendments:

1. Add Under New Business – Item #3 – Lead/Copper Study Funding Approval – Adoption of Resolution 2023-08.
2. Add Under New Business – Add Item #11 – Storm Debris (Removal & Monitoring) contract Extension

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

PRESENTATION RE: PROCLAMATION FOR ELLA SPEED BY MAYOR ASH

Mayor Ash read proclamation honoring the life of Ella Speed.

PUBLIC HEARING – ORDINANCE 2023-05 – DECKS

Attorney Hartman read Ordinance 2023-05 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING FOR AMENDMENT OF ORDINANCE 2020-03 THE APALACHICOLA CODE OF ORDINANCES PART II – CODE; SUBPART B – LAND DEVELOPMENT CODE; CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISIONS; ARTICLE I – IN GENERAL; SECTION 101-8 PROVIDING FOR AMENDMENTS TO THE DEFINITIONS DEALING WITH DECKIS; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE.

Attorney Hartman outlined changes made to ordinance.

No public comment. Public hearing closed.

PUBLIC COMMENT

1. Dolores Croom invited everyone to the FCS Veteran's Day Program to be held November 10th at 9:30AM at the FCS gym.

APPOINT NEW MEMBERS TO PARKS AND RECREATION COMMITTEE

Motion to appoint Julie Bishop and Lynn Wilder to the Parks and Recreation Committee made by Commissioner Grove, seconded by Commissioner George.

Commissioner Elliott stated it would be more appropriate to move the alternate member to the full member, and then appoint a full member and alternate member.

Commissioner Grove rescinded motion. Commissioner Grove rescinded second. Motion carried 5 to 0.

Motion to move alternate member to full member, appoint Lynn Wilder as full member, and appoint Julie Bishop as alternate member made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

FLOODPLAIN VARIANCE REQUEST – 28 AVENUE G

Motion to approve floodplain variance for 28 Avenue G on the basis that it is a historic structure and proposed work will not diminish the historic value made by Commissioner Elliott, seconded by Commissioner Duncan. Motion carried 5 to 0.

LEAD/COPPER STUDY FUNDING APPROVAL

City Manager Wade outlined terms and conditions of State Revolving Loan Fund (SRF) for this project.

Attorney Hartman read Resolution 2023-08 in its entirety.

Motion to approve submittal of SRF loan application to complete a lead service line inventory and replacement by October 15, 2024, and approve Resolution 2023-08 made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

LEAD/COPPER STUDY PROJECT AWARD

Motion to award Lead/Copper Study Project to Dewberry made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

VACUUM STATION PUMP EXPENDITURE APPROVAL

Motion to approve emergency expenditure of \$17,750 to replace a vacuum pump at the 9th Street Vacuum Station made Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

MUTUAL AID AGREEMENT

Attorney Hartman read Resolution 2023-09 in its entirety.

Motion to approve mutual aid agreement between City of Apalachicola and Florida Division of Emergency Management, and approve Resolution 2023-09 made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

BUSINESS LICENSE TAX

Code Enforcement Officer PJ Erwin stated that the Occupational License Tax Ordinance and Fee Schedule was last revised in September 2005, and needs updating to reflect current and applicable occupations as well as bring the tax rates to appropriate amounts. Florida Statutes require that a municipality must establish an equity study commission, appointed by the City Commission, to initiate a revision of the Business License Tax ordinance and update fees. Each member of the study commission must be a representative of the business community within the City of Apalachicola. Staff recommends the study commission be comprised of 5 to 7 members of the business community.

Motion to approve a 5-member equity study commission to update the City's Business License Tax ordinance and appoint Code Enforcement to commission as a non-voting member made by Commissioner Grove, seconded by Commissioner Duncan.

Commissioner Elliott recommends the equity study commission be comprised of 7 members which consists of members from the following industries: restaurant, retail shops, hotel/vacation rentals, bars, trades and building, non-profit, and business professionals.

Commissioner Duncan stated she supports the concept of having representatives from each service industry to represent on the equity study commission.

Commissioner George stated she is not in favor of revamping the Business License Tax ordinance at this time, but need good representation from the business community if the City moves forward.

Motion amended to approve a 7-member equity study commission to consists of members from the following industries: restaurant, retail shops, hotels/vacation rentals, bar, trades and building, non-profit, and business professionals made by Commissioner Grove. Commissioner Duncan amended second. Motion carried 4 to 1 with Commissioner George opposed.

LIST OF COMMITTEES TO BE CONSIDERED FOR DISSOLUTION

Mayor Ash read list of committees to be considered for dissolution: Millpond Committee, Battery Park Committee, Waterfront Working Advisory Committee, Tree Committee, HCA Board, CDBG Task Force Committee, and Revolving Loan Fund Committee.

Public comments received in support of keeping the Tree Committee.

Discussion held.

Mayor Ash recommends dissolving the above committees, minus the Tree Committee.

Commissioner Grove recommends the HCA Board be reappointed or keep the option open to reappoint the HCA Board at a later time.

Motion to dissolve the Millpond Committee, Battery Park Committee, Waterfront Working Advisory Committee, HCA Board, CDBG Task Force Committee, and Revolving Loan Fund Committee made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

Mayor Ash stated she would like to see a mission statement created for the Tree Committee.

Discussion held concerning Tree Committee.

Motion to authorize City Manager Wade, City Attorney Hartman, and Commissioner Grove to create a scope of work and mission statement for the Tree Committee and report back to Commission made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

OLIVER SPERRY AND 4M ARCHITECT CONTRACT EXTENSION

Cindy Clark requested the City Commission to approve extending the contract for Oliver Sperry Renovation and 4M Architects to continue work on old City Hall with additional funds received from the Department of State of Historical Resources. Extension of the contracts is acceptable to the State because the contractors were originally procured in accordance with State requirements for an existing project.

Motion to extend contracts for Oliver Sperry and 4M Architects made by Commissioner Grove, seconded by Commissioner George.

Discussion held.

Motion amended to extend contracts for Oliver Sperry and 4M Architects contingent upon written approval from State that contracts can be extended made by Commissioner Grove. Commissioner George amended second. Motion carried 5 to 0.

STORM DEBRIS (REMOVAL & MONITORING) CONTRACT EXTENSION

Motion to approve 2-year contract extension to SDR and Tetra Tech for storm debris removal and monitoring made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

2ND READING & ADOPTION DECISION – ORDINANCE 2023-05 – DECKS

Attorney Hartman read Ordinance 2023-05 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING FOR AMENDMENT OF ORDINANCE 2020-03 THE APALACHICOLA CODE OF ORDINANCES PART II – CODE; SUBPART B – LAND DEVELOPMENT CODE; CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISIONS; ARTICLE I – IN GENERAL; SECTION 101-8 PROVIDING FOR AMENDMENTS TO THE DEFINITIONS DEALING WITH DECKS; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE.

Motion to approve 2nd reading and adopt Ordinance 2023-05 – Decks made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

PARKING MITIGATION REQUEST – JASON O’STEEN

Motion to approve parking mitigation for 2 parking spots in the amount of \$10,000 to be held in the Apalachicola Parking Mitigation Fund and for 121 Market Street to be placed on the upcoming parking mitigation map/list of mitigation made by Commissioner George, seconded by Commissioner Grove. Motion carried 5 to 0.

1ST READING – ORDINANCE 2023-06 – SHORT TERM RENTAL LDC AMENDMENT

Attorney Hartman read Ordinance 2023-06 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 91-7, WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE, REVISING SECTION II (LANGUAGE AND DEFINITIONS), SECTION IV (ZONING DISTRICTS AND REGULATIONS), AND SECTION X (TRANSIENT LODGING); AMENDING ORDINANCE 2005-08 ; AMENDING ORDINANCE 2006-01; AMENDING ORDINANCE 2006-05; AMENDING ORDINANCE 2017-07; AMENDING THE APALACHICOLA LAND DEVELOPMENT CODE, PART II – (LANGUAGE AND DEFINITIONS); AMENDING CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISIONS; SECTION 101-8 AMENDING THE DEFINITION OF TRANSIENT LODGING REVISIONS, AMENDING SECTION X (TRANSIENT LODGING), TO AMEND CHAPTER 111, ARTICLE III, DIVISION 4 – SUPPLEMENTAL REGULATIONS, SECTION 111-292 – DIMENSIONAL REQUIREMENTS AMENDING THE MINIMUM NUMBER OF UNITS PER BUILDING FOR BED AND BREADFASTS AND TO AMEND SECTION 111-293 – ADDITIONAL REGULATIONS TO REMOVE THE COOKING FACILITIES REQUIREMENTS FOR TRANSIENT LODGING, FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

COMMUNITY RATING SYSTEM

Commissioner Grove gave history of the City's involvement in the CRS Program and recommends the City complete the process to enter the program.

Motion to authorize City Manager to complete necessary tasks outlined by DEO and respond to them within 3 months to finish the process to enter CRS Program made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

ATTORNEY COMMUNICATIONS

1. Robert Davis – Lot 6, Block 161 – Attorney Hartman outlined history regarding property.

Mr. Davis stated he desired the property to be returned to him as the rightful owner and requested that if the property is sold that any excess funds be returned to him as the rightful property owner. Mr. Davis requests to honor the actions of the past Commission and letter issued by Attorney Pat Floyd.

Discussion held.

Attorney Hartman stated the total amount the City has spent on this property is \$66,382.92 and the property is titled in the City's name.

Discussion continued.

Commission agreed for City Manager Wade, Attorney Hartman, and Robert Davis research all options and come back before the Commission.

2. Botanical Garden – Attorney Hartman stated he has spoken with Torben Madsen regarding the proposed improvements, and Mr. Madsen indicated that the Parks & Recreation Committee would review proposed plans and provide input and recommendations to the City Commission.

Planner Bree Robinson stated Botanical Gardens is on the November Planning & Zoning agenda for site plan approval which will be contingent upon City Commission approval.

Discussion held.

Attorney Hartman stated at the Planning & Zoning meeting he will inform the State and make it clear that any plans for the Botanical Gardens must be approved by the City Commission.

Mayor Ash stated all correspondence should be in writing.

3. MuniCode

Bonnie Davis addressed Commission on process to correct MuniCode errors.

Attorney Hartman outlined MuniCode errors and procedures for correcting those errors.

Commission discussed options for correcting errors.

Motion to readopt repealer ordinance then address any and all errors made by Commissioner Elliott, seconded by Commissioner Grove.

Discussion continued.

Commissioner Elliott withdrew motion. Commissioner Grove withdrew second to motion.

Motion to correct any known errors in MuniCode immediately, upload any known omitted ordinances to MuniCode immediately, and then proceed with 1st and 2nd reading of repealer ordinance made by Commissioner Duncan, seconded by Commissioner Grove. Motion carried 5 to 0.

CONSENT AGENDA

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

CITY MANAGER COMMUNICATIONS

City Manager Wade asked for direction on hiring process for Finance Director.

Mayor Ash recommends appointing 2 Commissioners to attend interviews.

Motion to appoint Commissioner George and Commissioner Duncan to attend Finance Director interviews made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

Commission agreed to change December agenda packet distribution date to November 29th.

GRANTS COORDINATOR COMMUNICATIONS

Report attached.

FINANCE DIRECTOR COMMUNICATIONS

Report attached.

DEPARTMENT REPORTS

Included in agenda packet.

ADJOURNMENT

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

Brenda Ash, Mayor

Lee Mathes, City Clerk

City Manager Updates

Finance Director Search – Four(4) applications have been received for the position. I am seeking guidance from the Commission on how to proceed. Since the Commission appoints the FD, a Commissioner(s) can be appointed to interview the applicants and make a recommendation, or each Commissioner can interview the applicants individually. Please advise.

December Meeting: The agenda packet distribution date for this meeting is the Friday of Thanksgiving week, which is a Holiday for the City. I am requesting that the agenda be distributed on the following Wednesday, November 29 with the Commission's approval.

Meeting Room Update – All equipment has been received for this project. City staff has completed renovations to the interior of the space, and will be working on the exterior in the coming weeks. I have requested an update from Howard Technologies regarding when installation of the equipment will begin, but have not received any information as of this report.

WWTP Construction Update – Dewberry is working to complete the 30% report and 30% drawings. Both are expected to be ready to submit to the funding agency by November 3, 2023.

Leslie Street Update – The survey is complete and the engineered plans are at 30%. It is expected that the project's construction will be placed out to bid after the first of the year.

Market Street Vacuum Station Update – Madrid CPWG Engineering advised that they are preparing 60% submittal package and expect that to be prepared and submitted by mid-November. This package consists of 60% plans, specifications, and estimate of probable construction costs. The next step will be the permitting process and working toward final plans and specifications.

Fire Hydrant Replacement Update – An agreement has been signed with Jimmy Duggar Excavating from Crawfordville to install the fire hydrants. Mr. Duggar advised that installation should begin in November.

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Grant Report-November 2023**Kendall Falkner****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. Reached out to FDOT to inquire about agreement. Pending Agreement from FDOT. Expect to hear back sometime in July – we cannot sign any contracts or do any work until the agreement is fully executed. Agreement being drafted by FDOT.

- On 8/4/23, City Commission passed Resolution 2023-04 where the City authorized a contract with FDEM for MSCOP funds.
- Draft Agreement received, reviewed, and returned to FDOT. Once the signature process has been completed, we will receive an executed agreement and Notice to Proceed.
- Agreement has been executed and Notice to Proceed received. Progress Reports submitted.
- Currently, Dewberry is working on 30% plans.

2. DEP Resilient Florida Grant application – Implementation: Critical Asset Flood Management

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.
- **Funding approved!** Pending kickoff meeting and scope finalization.
- **Kickoff meeting held 9-25-23.** Currently working on Progress Report.
- **Awaiting revised agreement with updated scope.**
- Welcome packet completed and sent to grant admin. Working on attachment 3.

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.
- **Application Submitted! We are looking to early July for updates!**
- 7/6/23-DENIED. Will reapply for Q4 cycle opening in July 13th.
- **2023 Q4-Hurst Jaws of Life-** City applied for rescue equipment for Q3 cycle and was denied. City discussed with Rep and submitted new application on July 13, 2023. We expect to hear something in October.
- **2024 Q1-Hurst Jaws of Life-**City applied for rescue equipment on Thursday October12, 2023.

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 agreement!
- Award letter received April 24,2023. Staff developed Scope of Work and submitted to DEO. City is currently finalizing contract agreements for Drainage Basin Analysis then plans to move forward with procurement of engineer and contracting services.
- Pending amended scope and agreement from DEO.

6. Rural Infrastructure Fund, DEO FY 21/22-Water Treatment Plant Improvements Potable Water DO255:

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 to address the following:

- 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!
- Notice to Proceed received 2/24/23. Dewberry conducted plant visit on 3/2/23 and data was supplied to the City. Distribution System Map provided on 6/27/23. Map has been digitized by Dewberry. Pending gap analysis workshop. Once this is complete, Task B will include an enhanced Sampling Plan, Hydraulic Modeling, and Treatability Studies to determine water age and proceed to test a simulated distribution. This should take 3-4 months. Quarterly reports are up to date.

7. DOS Special Categories (DHR) Old City Hall Structural Repair Phase II

*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. Received official notification of funding on 6-20-23. Waiting to receive grant agreement after July 1, 2023 about July 1 of 2023. **This is great news! Preparing to receive notification early July.** Agreement received. Pending approval from City. Contract signed; pending procurement process for contractors.*

8. DEO (CPTA) Areas of Critical State Concern (ACSC) Comp Plan

*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.**
- First deliverables have been sent and are currently being evaluated by DEO.
- Bay Media completed Comp Plan Draft with recommended changes that were presented at March 7 Commission Meeting and two workshops with P&Z on March 13 and April 10. A joint workshop with P&Z and the City Commission is scheduled for May 8.
- COA has requested an extension (PO454) until June 30, 2023 in order to allow adequate time for Community and Board feedback. Extension Amendment submitted and approved on 6/15/23.
- Final deliverables submitted and approved. Pending reimbursement. Comp Plan amendments are tentatively scheduled for December City Commission Meeting.

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.
- Bids were received and scored according to procurement procedures. COA recommendation will be presented at the June 6 Commission Meeting.
- A motion to award contract to Hammond Design was approved by Commission.
- Hammond Design assembling draft contract, costs for survey, civil, and structural work.
- Contract currently being reviewed by DHR, Hammond Design, and City.
- Contract reviewed and signed. City has a meeting scheduled with architects to discuss scheduling.
- Met with Hammond Design on 9/8/23. Discussed stakeholder outreach, design plans, and Kick Off Meeting.
- Hammond Design and City site visit on 9/22/23.
- Meeting at Holy Family on October 5, 2023. Still in design phase. 6th Progress Report for Q3 submitted, received, and approved. Extension

signed for 7/1/21-6/30/24. Task 1 complete, currently working on task 2 as well as preparing for second stakeholder meeting.

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.
- Pending ITBs. Window closes April 28, 2023.
- COA conducted site visit for prospective bidder on April 20, 2023. Pending ITB expiration. 6/15/23-still pending ITB expiration.
- ITB expired and Madrid HMGP was chosen for this project.
- Site visit was conducted on June 30.
- Generator costs overrun have been submitted for approval.
- Quarterly report submitted.
- FEMA returned Quarterly report for additional edits. Edits being made and pending submission approval.
- Working on cost overrun.
- Working with Federal contractor to obtain pricing.

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)

The City submitted payment requests and has been paid for the first set of deliverables on each project. This is great news!

11. **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 has been signed and work is expected to commence in the coming weeks. A minor contract amendment between the State and City is being drafted to reflect relocation of funds between categories. Staff has sought an extension from DHR. Extension amendment is being drafted by DHR.

Renovations will begin soon, this is great news! The HCA will be closed from June 1, 2023-July 8, 2023. Oliver-Sperry Renovation Contract signed! Construction to begin concurrent with work on City Hall either late July or August. Construction has begun concurrent with work on City Hall. Deteriorating brick walls inside HCA requires additional work on downstairs walls. See separate funding board action request. Repairs expected to be completed by November 1. Funding to support Phase II repairs (replacement of doors, additional windows, flood mitigation measures) to be applied for in Spring 2024.

12. **Old 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 has sought an extension for this project from DHR. Extension received. City Commission awarded contract to Oliver Sperry. Contract executed and work has begun. Phase I repairs nearing completion by early November. Phase II repairs expected to begin in December 2023.

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!** Stormwater System Field Maps for Drainage Pipe Inspections and Route Surveying have been prepared and quotes are being requested for drainage pipe inspections and route survey.
- Gouras & Associates is coordinating project information with Dewberry to begin stakeholder outreach for the environmental review record. This is ongoing.
- Environmental review underway. Working with Cypress Environmental Engineering on stakeholder outreach. Compiling necessary documentation. This is ongoing.
- Progress report submitted for July 2023.
- Throughout July, Dewberry verified the scope of work for the project area, prepared stormwater system field maps for drainage pipe inspections and route surveying, and quotes were requested for drainage pipe inspections and route survey. Gouras distributed initial stakeholder outreach letters for environmental engagement during the week of August 14-18 (Gouras)
- Engineer has been working to finalize scope and costs for drainage pipe surveys.

- Stakeholder outreach information has been distributed for the environmental review. Information will be sent to Tribes, SHPO, Statewide Clearinghouse in the coming days. An 8-step process will be required; the City is working with its grand amir to coordinate publication of the Early Notice and distribute a copy to interested parties.
- Quotes were received for drainage pipe inspections and route survey, working to revise the scope and cost of drainage pipe survey.
- Monthly report submitted 10/10/23. Scope and cost for drainage pipe survey was refined and notice to proceed with survey activities is under way. Work on environmental review continues.

14. CDBG-DR Hometown Revitalization

- 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.** **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 draft revised Task Order was created on 4/21. City Staff met with DEO and Gouras & Associates on June 8, 2023 to amend the agreement to properly reflect the scope of work. As of June 29, 2023, the City and DEO have agreed to a modified scope and the amendment with DEO is under development. Halff has executed a task order for the revised scope, which has been submitted to DEO for authorization to execute. Received authorization to execute modified contract. Final SOW complete! Project moving forward.

- Engineering Task Order was executed and has been submitted to DEO for final approval to move forward.
- DEO has been working on an amendment to the grant agreement. The City is waiting for final amendment to execution.

15. CDBG-DR 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.**
- City Staff met with CDG.
- Field work under way!
- Field work is completed for topographical surveys for sidewalks. The project engineer has been contacting private property owners (Croom's, Keep It Clean Game Room, Q's Corner, 120 MLK Jr. Blvd, Massey Building) regarding improvements to each site; however, some property owners have not been reached. Gouras' development of stakeholder outreach information for environmental review is ongoing.
- Progress report submitted for July 2023.
- Throughout July, CDG completed site visits to several locations (Croom's and Massey) and worked on schematic designs (Keep it Clean, Q's, 120 MLK Jr. Boulevard, and Massey). 30% design plan submittal was submitted for Sidewalks. Gouras distributed initial stakeholder outreach letters for environmental engagement during the week of August 14-18 (Gouras)
- Engineer has continued to work with property owners and the City on development plans/specs.
- Stakeholder outreach information has been distributed for the environmental review. Information will be sent to Tribes, the SHPO, and State Clearinghouse in the coming days. An 8-step process will be required; the City is working with its grant administrator to coordinate publication of the Early Notice and distribute a copy to interested parties.

- Architectural schematics of the five buildings are all complete or nearly complete, the sidewalks have finalized plans and specs and have been sent to review to be able to move to bidding upon approval.
- City held a Special Meeting regarding the Hill Sidewalks on October 5, 2023, at Holy Family Senior Center. CDG representative Chase Gunter and Gouras & Associates representative Chris Gouras were in attendance. After the CDG presentation and community comment, the Commissioners decided to revisit the design plan and locations of sidewalks.

16. DEO CDBG Riverfront Revitalization (M0034):

- On 07.19.2023, DEO authorized execution of the modified Halff task order, which corresponds to the updated scope of work in the DEO amendment that is currently under development.
- The City and Gouras continued to work with DEO on the updated scope of work for this project. Halff modified the design task order to correspond with the updated DEO scope of work. The revised design task order was submitted for City review on 08.15.2023. Once this is executed, Gouras will work with Halff to develop outreach documentation for environmental stakeholder outreach.
- The City approved the Task Order for engineering and the process for drafting stakeholder letters for the environmental review to begin.
- Engineering task order was executed and has been submitted to DEO for final approval to move forward, which was received on 9-22-23.
- DEO has been working on an amendment to the grant agreement. The City is waiting for the final amendment before execution.
- City has a webinar with the project engineer (David Synder at Halff) scheduled for Tuesday 10/24 to ensure that the engineer and City are aligned on work to be designated.

17. HMGP Critical Facilities 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 advertise 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. In addition, COA held site visit at all critical facilities generators locations. (4/20). Generator cost overruns have been submitted. New ITB's are being released since cost overruns are not being approved in a timely manner.
18. **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.
 - CPWG chosen as the engineer for design.
 - Site visit on June 30th.
 - Design will be completed by December 2023. No additional updates at this time.
19. **Michael FEMA 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 (March 23). In communication with EHP at FEMA. COA is in communication with Grant Manager at FEMA. We emphasized the need for these projects to move

forward. Was informed is still going through a review process in EHP (EHP has an extremely heavy workload due to Hurricane Ian and Hurricane Nicole) (April 2023). Project moved out of EHP and is waiting for COA staff to approve and sign. Procurement process to begin soon. Waiting for bid packets from grant admin. Bid documents completed. Project was published and ITB process closes on 10/26/23. The project officially out for bid.

20. **Michael FEMA 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). In communication with EHP at FEMA. COA is in communication with Grant Manager at FEMA. We emphasized the need for these projects to move forward. Was informed is still going through a review process in EHP (EHP has an extremely heavy workload due to Hurricane Ian and Hurricane Nicole) (April 2023). Project moved out of EHP and is waiting for COA staff to approve and sign. Procurement process to begin soon. Waiting for bid packets from grant admin. Scipio Creek Marina Dock Repairs have been published and ITB released. It will expire on 11/2/23. Project officially out for bid.

21. **Michael FEMA Alleyways Repairs** – Alleyway: 3, 7, 9, 8, 10, 11, 6, 2, 5, 12, 4. *Crushed Shells to be replaced*. There is an in-kind match of 15.5%. 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 change with FEMA before beginning. Currently working on scope change to submit to FEMA for approval and assessing which materials would be best for alleyway repairs. EHP is currently on backlog with Hurricane Ian. Obtaining materials quotes. Quotes received 7/25/23 and sent to City Manager for review. Obtaining new quotes. The project is underway and being completed by force account labor.

22. **Old City Hall and HCA Contents loss** – *Ordering replacement items from loss. Funded!* – 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.

23. **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. Contact with EHP at FEMA. We emphasized the need for these projects to move forward. Was informed is still going through a review process in EHP (EHP has an extremely heavy workload due to Hurricane Ian and Hurricane Nicole) (April 2023). Project moved out of EHP and is waiting for COA staff to approve and sign. Procurement process to begin soon.

**DEP Resilient Florida + Water Restoration Assistance - WWTP & Vulnerability Study
WWTP-**

24. **Grant #1 WWTP Headworks and SBR Relocation**- 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. Task Order Completed.
- Payment 1 request submitted. This was approved and the advance payment has been remitted to the City.
- DEP has requested a grant amendment to reallocate funding between the two grant agreements. (The project is still fully funded – this is just a budgetary adjustment between grants.) Gouras has been working with DEP on this amendment.

- The project received sampling results, worked on biological process modeling, initial design layout, and process equipment selection in the Preliminary Design Report. As of 06.30.2023, design is approximately 15% complete.
- Design work continued throughout October 2023 and is currently around 25%.
- Advanced Pay has been approved for both grants and reports are up to date through October 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.

25. **Grant #2 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! (3/31/23)
- **First deliverables met!**
- **Peril of Flood Comp Plan Amendments submitted to DEP**
- Raw data collection complete, identification of data gaps complete, currently processing critical data for submission to DEP. Based on data gaps (water, sewer, and stormwater line digital maps, an application prepared and submitted for data gap resolution funding. See associated resolution.

26. **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.

- 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.
- Finance Department is currently creating Progress Report.
- Annual report submitted on April 30th.

27. DEO Rural Infrastructure Fund FY 22-23: Spray field and Solar Project

City applied for DEO RIF for Spray Field Repair and Solar Project. We are requesting \$126,890.00 to cover 150 replacement spray heads and installation of 11 solar controllers and supplementary batteries. The spray heads are \$553.00 apiece, and the solar installation costs (in total) amounts to \$87,880.00 for 22 locations. The \$126k would be applied to half of the total cost and address half the work needed. Application date was March 13, 2023. We expect to hear from DEO around June.

28. Old City Hall Phase III

City applied for Phase III of Old City Hall through a DOS Special Categories Grant. It was presented to City Commissioners on June 6, 2023. This grant would further address the repair/reconstruction of Old City Hall. We hope to hear something by September. Application reopened 8-18-23 to request additional information. DHR hearing to rank projects September 27.

29. DEO CPTA 23 Workforce Housing

- *City applied for Community Planning Technical Assistance Grant through DEO to apply to \$75k to supply the City with resources needed to create a Workforce Housing Plan that will address viable solutions to the lack of workforce housing. Application submitted 6/15/23. We expect several months turnaround time during the scoring process. **FUNDED! Awaiting next steps!***

DEP Resilient Florida 23-City was recently made aware of funding available through DEP Resilient Florida program. There are two types of grants we are applying for 1. Planning 2. Implementation.

30. Planning: The City of Apalachicola will have completed the Vulnerability Analysis Update this summer and, based on the data, is ready to begin the identification of adaptation action areas (AAA) within the City, develop recommended mitigation strategies and identify specific projects to implement mitigation measures within those target areas. Application submitted. Pending review.
31. Supplemental Vulnerability Assessment Funding- *Data gaps identified during the critical asset review of the Vulnerability Assessment process. DEP Resilience funds are available to seek funding to resolve data gaps and get required utilities digitized and imported into the City's digital mapping system. Applying for supplemental Vulnerability Assessment Funding to resolve data gaps in water, sewer, and stormwater digital mapping resources.*
32. Coastal Partner Initiative (CPI); Conservation Corp/Oyster Corps- *CPI is an FDEP grant that will provide funding to enhance and protect coastal resources in Apalachicola Bay by meeting the priorities of improving water quality and restoration and protection of vulnerable coastlines by focusing on oyster shell reclamation. The grant is for \$60 with a match of 1:1, provided by Oyster Corps.*
 - At the Commission Meeting on July 11, 2023, Commissioner Grove requested this grant be written and prepared on behalf of the City by the members of the Oyster Corps. The motion passed. Plan to submit in August or September.

***All information included in this report is accurate as of October 25, 2023, at noon. After that time, information is subject to change. If you have any questions, please send them to kfalkner@cityofapalachicola.com**

CITY OF APALACHICOLA
FINANCE DEPARTMENT REPORT
OCTOBER 2023

1. Moran & Smith were here the week of October 6th to start on the FY 21-22 audit. They will return the week of November 6th. We are diligently working to get this audit completed. We are pushing to have it completed by the end of December.
2. We have started uploading documents for the FY 22-23 audit. This audit will start immediately following the completion of FY 21-22.
3. I have a phone call with Banyan scheduled for November 1st. Chris Moran will be in on the phone call as well to offer guidance in setting up a correct chart of accounts. It is imperative that the new system is set up properly with the new chart of accounts. Banyan has forwarded me and Chris what was previously submitted so we can see exactly what we need to correct. It will take a lot of effort, but my goal is to have Banyan up and running in the finance department no later than end of December.
4. Now that 21-22 audit is underway, I will start taking a deep dive into financials and FY 23-24 budget. Budget amendments will have to be made, but I want to have the most accurate information. Finance Department is working, along with the auditors, to get correct balances in all accounts.
5. The workers comp audit and public depository reports are both due by November 15th. Those reports will be completed and submitted before the deadline. The necessary paperwork to complete the budget process for FY 23-24 has been submitted to the Department of Revenue.
6. The Finance Clerk does an amazing job at issuing purchase orders, posting deposits, and running accounts payable. While she completes the day-to-day tasks, I can focus on the detailed tasks that must be completed. There is much work to be done, and we are working hard to get this department where it needs to be.

If anyone has any questions, please don't hesitate to contact me. My door is always open, I respond to email, or you can call me anytime.

Lee Mathes
City Clerk/Interim Finance Director

ATTORNEY REPORT

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

1. Robert Davis – Lot 6, Block 161

I have reviewed the title commitment, chain of title, reviewed Pat Floyd's letter of June 2, 2017 and followed up with Kristy Banks who performed the title search in 2020.

The chain of title contains certain assumptions regarding conveyances of the property between prior owners, beneficiaries and interested parties. Nonetheless, the title commitment indicates that Mr. Davis was capable of conveying the property to the City, and that the property title is now vested in the city. The City has the legal right to sell or otherwise convey its ownership rights in the property.

The arrangement with Mr. Davis described in the June 2, 2017 Floyd letter is not supported by any documentation signed by both parties (the City and Mr. Davis). As a result, it may not be enforceable. It is up to the City whether or not it would like to treat the proceeds from any sale in the manner set forth in the Floyd letter. In the even the City wishes to surplus the property we should follow the standard process of an advertisement soliciting offers to purchase for consideration by the Commission. The City would convey the property by Quit Claim Deed such that any party purchasing would be responsible to get their own title insurance and deal with any potential title issues. The City would be conveying the interest that it holds in Lot 6, Block 161.

2. Botanical Garden

I have spoken with Torbin Madsen regarding the proposed improvements at the Botanical Gardens presented by the Lessee at the September Commission meeting. He indicated that the Committee would review and provide their input and recommendations to the City Commission regarding the proposed improvements.

3. Municipal Code

We have been in contact with MuniCode in order to correct certain clerical errors including the parking mitigation ordinance language that was not included and duplicate site plan criteria. Progress is being made on this and we do not anticipate the need for Commission action at this time.

As to Ordinance 2020-03 (Adoption and Repealer Ordinance) the Clerk has confirmed the lack of a first reading prior to adoption. As a result the City should re-adopt this Ordinance. The options discussed include a simple re-adoption of the original Ordinance up to an including an evaluation of the Code for any Ordinances that were repealed and to draft a new adoption\repealer Ordinance which expressly deals with these items.

In short, we have option of fixing the identified procedural defect or address both the procedural defect and attempt to deal with any/all substantive defects in the Code to be adopted. The former being the quickest solution and the latter requiring substantial analysis and consideration in order to be done properly.

A Workshop of the Apalachicola City Commission was held on Tuesday, November 7, 2023 immediately following the Regular Meeting at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Despina George, Commissioner Donna Duncan, Commissioner Anita Grove, Commissioner Adriane Elliott, City Manager Travis Wade, City Clerk Lee Mathes, City Attorney Dan Hartman, City Planner Bree Robinson, Code Enforcement Officer PJ Erwin

Workshop opened by Mayor Ash.

AGENDA ADOPTION

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

PUBLIC COMMENT

None

PARKING MITIGATION DISCUSSION

City Planner Bree Robinson provided topic summary to Commission.

Discussion held concerning parking mitigation fee, parking demand, parking maps, parking requirements based on business use, and obtaining a current inventory of businesses and what the current parking requirements are for each business.

ADJOURNMENT

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

Brenda Ash, Mayor

Lee Mathes, City Clerk

A Workshop of the Apalachicola City Commission was held on Tuesday, November 28, 2023, at 4PM at the Holy Family Center, 203 7th Street, Apalachicola, FL 32320

Present: Mayor Brenda Ash, Commissioner Adriane Elliott, Commissioner Donna Duncan, Commissioner Despina George, Commissioner Anita Grove, City Manager Travis Wade, City Clerk Lee Mathes, City Planner Bree Robinson, Code Enforcement Officer PJ Erwin

Workshop opened by Mayor Pro-Tem Grove.

AGENDA ADOPTION

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

AFRICAN AMERICAN MUSEUM DISCUSSION

Mayor Ash and Commissioner Duncan joined meeting at this time.

Hammond Design Group and Rhodes & Brito Architects provided presentation on African American Museum.

Discussion was held concerning parking, floor elevation, outdoor venue concepts, site plan concepts, building program, floor plan concepts, and exhibition displays.

Public comment received.

There being no further business, workshop adjourned.

Brenda Ash, Mayor

Lee Mathes, City Clerk

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
REGULAR MEETING
Monday, October 9th, 2023
Community Center - 1 Bay Avenue
Minutes

Attendance: Joe Taylor, Chase Galloway, Bobby Miller, Elizabeth Milliken

Regular Meeting: 6:00 PM

1. Approval of September 11th, 2023 meeting minutes.
 - **Motion to approve by Chase Galloway; 2nd by Bobby Miller. All in favor – motion carries.**

2. Review, Discussion and Decision for Shed. (R-3) @ 397 24th Ave, Block 223 Lots 15-16. For Melanie Lauer -Owner; Contractor: TBD
 - **Motion to approve by Bobby Miller; 2nd by Elizabeth Milliken. All in favor – motion carries.**

3. Review, Discussion and Decision for Sign & Certificate of Appropriateness. (C-1) (Historic District) @ 252 Water Street, Block G-1 Lots 2-4. For Melanie Lauer -Owner; Contractor: TBD
 - **Handout (attached) shows updates to the application – one 8SF sign on the face of the building and one 3SF blade sign hanging in front of the building.**
 - **Motion to approve by Bobby Miller; 2nd by Chase Galloway. All in favor – motion carries.**

4. Review, Discussion and Decision for Sign & Certificate of Appropriateness. (C-1) (Historic District) @ 51 Market Street, Block 2 Lot 13. For Anthony Lucia -Owner; Contractor: TBD
 - **Motion to approve by Chase Galloway; 2nd by Elizabeth Milliken. All in favor – motion carries.**

5. Review, Discussion and Decision for Fence & Certificate of Appropriateness. (C-2) (Historic District) @ 120 MLK Blvd, Block 159 Lot 5. For Apalachicola Land and Development LLC - Owner; Contractor: TBD

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
REGULAR MEETING
Monday, October 9th, 2023
Community Center - 1 Bay Avenue
Minutes

- **Motion to approve by Chase Galloway; 2nd by Bobby Miller. All in favor – motion carries.**

6. Review, Discussion and Decision for Fence. (R-2) @ 303 Hwy 98, Block 271 Lots 18-19. For Kathryn McLeMore -Owner; Contractor: TBD

- **Motion to approve by Bobby Miller; 2nd by Elizabeth Milliken. All in favor – motion carries.**

Other/New Business:

- N/A

Outstanding/Unresolved Issues:

- N/A

Motion to adjourn the meeting by Bobby miller; 2nd by Elizabeth Milliken.
Meeting adjourned.

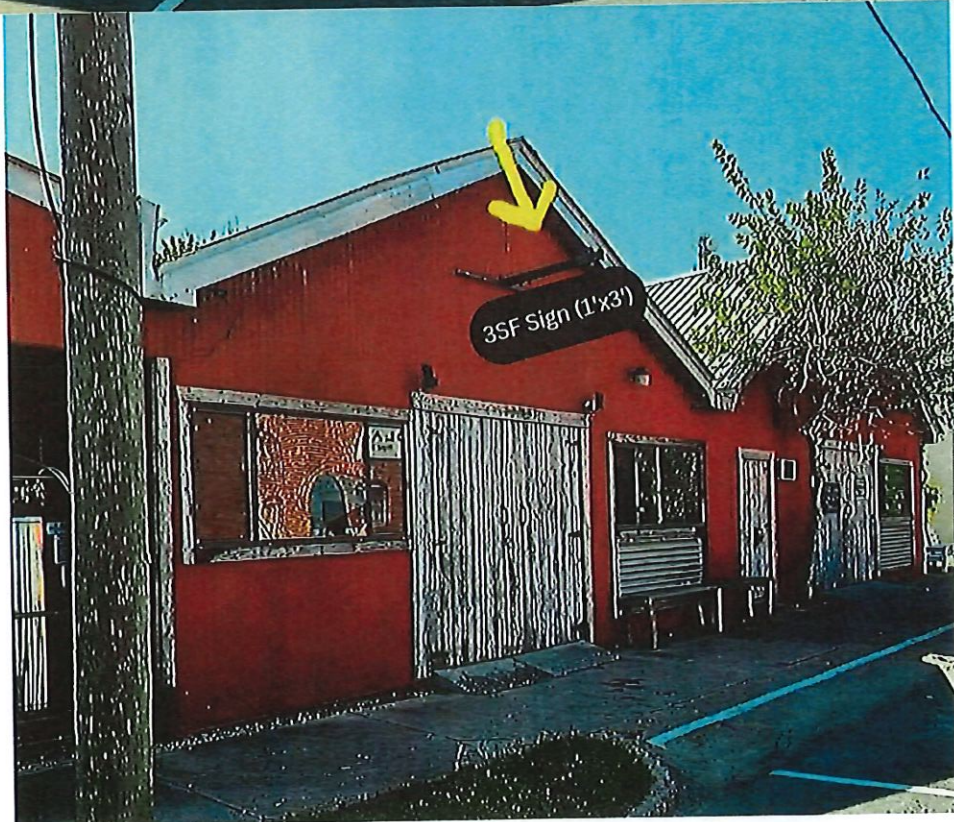
Minutes approved by:

Joe Taylor, Chair

Date



8SF
&
3SF



<- Example of Style
Actual Design ->



City of Apalachicola Building Department

Building Clerk

October 2023

General Permit information; Please see the attached report

Permit #

Permit Type

Valuation

Fees Assessed and Collected

Daily Phone Inquiries and Responses

Daily Email Inquiries and Response

Input Permit Applications

Process and Issue Permits

Refer New Construction to Building Official for Review and Stamped Approval

Refer New Construction to Planning & Zoning for Scheduling

Receive Inspection Requests and Schedule for Building Official

Process Completed Inspection Reports from Building Official

Maintain Community Core Database (Community Core is Permit Issuing and Processing Software)

- We have been inputting past years (2022 completed) paper permit files to the database

Work with Code Enforcement Official on Building Clerk duties and schedules

- Work with Code Enforcement Official on the Building Department website information section of the City URL to better process available information, forms availability, permit application processing, and making the entire process more understandable and less complex for the users, the taxpayers

BUILDING DEPARTMENT OCT 2023 F PERMIT REVENUE

10/5/2023	One Stop	AC/Furnace 23AP-AF00 107 Ave B, HVAC - Res Credit Card	\$100.00
10/5/2023	Residential	Residential 23AP-RB00 71 13th St, Residential Credit Card	\$327.00
10/9/2023	Commercial	Pool / Hot 23AP-CB00 51 Ave C, A Electrical (f Credit Card	\$100.00
10/9/2023	One Stop	AC/Furnace 23AP-AF00 61 24th Ave HVAC - Res Credit Card	\$100.00
10/9/2023	One Stop	AC/Furnace 23AP-AF00 115 Market HVAC - Res Credit Card	\$100.00
10/9/2023	Commercial	Pool / Hot 23AP-CB00 51 Ave C, A Plan Review Credit Card	\$693.00
10/9/2023	Commercial	Pool / Hot 23AP-CB00 51 Ave C, A Plan Review Credit Card	\$231.00
10/9/2023	Commercial	Pool / Hot 23AP-CB00 51 Ave C, A Remodel/A Credit Card	\$1,386.00
10/9/2023	Commercial	Pool / Hot 23AP-CB00 51 Ave C, A Remodel/A Credit Card	\$462.00
10/10/2023	One Stop	AC/Furnace 23AP-AF00 317 Water HVAC - Cor Credit Card	\$75.00
10/12/2023	One Stop	Electric Per 23AP-E007 103 Water Electrical - Credit Card	\$75.00
10/12/2023	One Stop	AC/Furnace 23AP-AF00 168 24th A HVAC - Res Credit Card	\$100.00
10/17/2023	Residential	Residential 23AP-RB00 51 Comme Residential Check	\$327.00
10/17/2023	Commercial	Sign 23AP-S000 71 Market Sidewalk Fire Check	\$200.00
10/18/2023	Residential	Residential 23AP-RB00 107 Ave B, Residential Credit Card	\$103.00
10/20/2023	Commercial	Sign 23AP-S000 252 Water Sign Permit Check	\$50.00
10/20/2023	Commercial	Sign 23AP-S000 252 Water Sign Permit Check	\$22.00
10/23/2023	One Stop	Temp Pole 23AP-E001 190 25th A Electrical - Cash	\$100.00
10/24/2023	One Stop	AC/Furnace 23AP-AF00 23 8th St, HVAC - Res Credit Card	\$100.00
10/24/2023	One Stop	AC/Furnace 23AP-AF00 102 24th A HVAC - Res Check	\$100.00
10/25/2023	One Stop	Fire Supp 23AP-F002 29 Avenue Fire Fee Credit Card	\$100.00
10/25/2023	One Stop	Window Re 23AP-WR01 210 Ave C, Other - Res Credit Card	\$100.00
10/31/2023	One Stop	Electrical S 23AP-EC00 201 5th St, Other - Cor Credit Card	\$350.00
10/31/2023	Residential	Residential 23AP-RB00 178 Ave C, Residential Check	\$215.00
Date Paid	Category	Type Permit Nur Address Fee Type Pay Metho Amount Paid	

Total \$5,416.00



CITY OF APALACHICOLA

CODE ENFORCEMENT

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

CODE ENFORCEMENT OFFICE

October 2023

19 Tree Permits

4 Fence Permits

3 Fill Permits

11 Sidewalk Permits

Daily Phone Inquiries & Emails Answered

Route inspections daily

Attend monthly P&Z and City Commission meetings

Code Violation Issues:

- **Fill Dirt (1)**
- **Short-term Rentals (5) – residential**
- **Sidewalk Violations – (11)**
- **RV – (2)**
- **Nuisance (Trash, waste, burning, etc.) (6)**
- **Accessory Dwelling Structure (1)**

Implemented short-term rental software; began regular inspection of residential properties

Continued to work with City Staff to organize building dept systems.

Attend county workshop on affordable housing

Date Paid

Category	Type	Permit Number	Address	Fee Type	Pay Metho	Amount Paid
10/2/2023	One Stop	Fill Dirt	23AP-FD0017	165 10th Street, Apalachicola - Res Check		\$700.00
10/5/2023	One Stop	Fill Dirt	23AP-FD0016	164 MLK Ave, apalachicola - Res Check		\$100.00
10/5/2023	One Stop	Sidewalk	23AP-SW0009	15 Ave D, Apalachicola - Sidewalk Fr Check		\$250.00
10/5/2023	One Stop	Sidewalk	23AP-SW0009	15 Ave D, Apalachicola - Sidewalk Fr Check		\$250.00
10/5/2023	One Stop	Sidewalk	23AP-SW0009	15 Ave D, Apalachicola - Sidewalk Fr Check		\$250.00
10/5/2023	One Stop	Tree	23AP-T0047	105 11th St, Apalachicola - Res Check		\$50.00
10/5/2023	One Stop	Tree	23AP-T0047	105 11th St, Apalachicola - Res Check		\$40.00
10/5/2023	One Stop	Tree	23AP-T0049	128 22nd Ave, Apalachicola - Res Check		\$50.00
10/5/2023	One Stop	Tree	23AP-T0049	128 22nd Ave, Apalachicola - Res Check		\$100.00
10/5/2023	One Stop	Tree	23AP-T0050	164 MLK Ave, Apalachicola - Res Check		\$50.00
10/5/2023	One Stop	Tree	23AP-T0050	164 MLK Ave, Apalachicola - Res Check		\$40.00
10/6/2023	One Stop	Tree	23AP-T0052	204 Avenue B, apalachicola - Res Check		\$50.00
10/6/2023	One Stop	Tree	23AP-T0052	204 Avenue B, apalachicola - Res Check		\$85.00
10/9/2023	One Stop	Fill Dirt	23AP-FD0018	242 15th St, Apalachicola - Res Check		\$100.00
10/9/2023	One Stop	Tree	23AP-T0054	128 4th St, Apalachicola - Tree Refor Credit Card		\$50.00
10/9/2023	One Stop	Tree	23AP-T0054	128 4th St, Apalachicola - Tree Refor Credit Card		\$345.00
10/9/2023	One Stop	Tree (City)	23AP-T0053	128 4th St, Apalachicola - Tree Refor Credit Card		\$50.00
10/9/2023	One Stop	Tree (City)	23AP-T0053	128 4th St, Apalachicola - Tree Refor Credit Card		\$35.00
10/10/2023	One Stop	Sidewalk	23AP-SW0011	10 Ave D, Apalachicola - Sidewalk Fr Check		\$200.00
10/12/2023	Zoning	Fence	23AP-F0026	120 MLK Blvd, Apalachicola - Res Ready to In		\$75.00
10/17/2023	Commercial Miscellaneous	Business Sidewalk Permit	23AP-BS0003	17 Ave D, Apalachicola - Sidewalk Fr Check		\$250.00
10/17/2023	Commercial Miscellaneous	Business Sidewalk Permit	23AP-BS0003	17 Ave D, Apalachicola - Sidewalk Fr Check		\$250.00
10/17/2023	Zoning	Fence	23AP-F0026	120 MLK Blvd, Apalachicola - Res Check		(\$75.00)
10/17/2023	Zoning	Fence	23AP-F0026	120 MLK Blvd, Apalachicola - Res Check		\$75.00
10/17/2023	One Stop	Tree	23AP-T0056	152 Sawyer Lane, Apalachicola - Tree Refor Credit Card		\$50.00
10/17/2023	One Stop	Tree	23AP-T0056	152 Sawyer Lane, Apalachicola - Tree Refor Credit Card		\$250.00
10/19/2023	Zoning	Fence	23AP-F0027	303 US Hwy 98, Apalachicola - New Cash		\$50.00
10/20/2023	Commercial Miscellaneous	Business Sidewalk Permit	23AP-BS0004	115 Market St, Apalachicola - Sidewalk Fr Check		\$200.00
10/24/2023	One Stop	Sidewalk	23AP-SW0015	32 Ave D, Apalachicola - Sidewalk Fr Check		\$200.00
10/26/2023	Commercial Miscellaneous	Business Sidewalk Permit	23AP-BS0005	87 Market Street, Apalachicola - Sidewalk Fr Check		\$200.00
10/26/2023	One Stop	Tree	23AP-T0057	170 22nd St, Apalachicola - Tree Refor Credit Card		\$50.00
10/26/2023	One Stop	Tree	23AP-T0057	170 22nd St, Apalachicola - Tree Refor Credit Card		\$50.00
10/26/2023	One Stop	Tree	23AP-T0057	170 22nd St, Apalachicola - Tree Refor Credit Card		\$70.00
10/30/2023	One Stop	Sidewalk	23AP-SW0015	32 Ave D, Apalachicola - Sidewalk Fr Check		(\$200.00)
10/30/2023	One Stop	Sidewalk	23AP-SW0015	32 Ave D, Apalachicola - Sidewalk Fr Check		\$200.00
10/31/2023	One Stop	Tree	23AP-T0058	215 Ave H, Apalachicola - Tree Refor Credit Card		\$50.00
10/31/2023	One Stop	Tree	23AP-T0058	215 Ave H, Apalachicola - Tree Refor Credit Card		\$250.00
10/31/2023	One Stop	Tree	23AP-T0058	215 Ave H, Apalachicola - Tree Refor Credit Card		\$250.00
Total Code Enforcement Permit Revenue						4790

CITY OF APALACHICOLA
ADMINISTRATION DEPARTMENT
November 2023

- Utility bills have been processed and mailed in envelopes.
- Payroll was processed for two pay periods.
- Prepared November Commission minutes. Prepared December agenda packet. Emailed agenda packets to Commission and Attorney.
- Notified 2K Web Group to add meetings on website. Sent agenda packets and 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.
- Issued and processed golf cart permits.
- Issued and processed Business Licenses.
- Issued and processed Battery Park boat launch applications and permits.
- Mailed monthly general billing.
- Completed Human Resource duties.
- Completed 3 public records request.
- Completed DEO monthly report for CDBG.
- Assisted Staff with various issues and projects.

APALACHICOLA VOLUNTEER FIRE/RESCUE

Oct 2023
23 calls

MONTHLY REPORT

DATE _____

1. Accidents	<u>1</u>	7. Gas Leaks	_____
2. Lift Assists EMS	<u>18</u>	8. Life Flight	<u>1</u>
3. Bi-Monthly Meetings	<u>2</u>	9. Search/Rescue	_____
4. Brush Fires	_____	10. Training	_____
5. House Fires	<u>1</u>	11. Transformer Fires	_____
6. Vehicle Fires	_____	12. Vessel Fires	_____

1st Responders Calls 23

Firefighter Attendance

1. George Watkins	<u>3</u>	11.	_____
2. Fonda Davis	<u>3</u>	12. Avery Scott	<u>2</u>
3. Ginger Creamer	<u>18</u>	13.	_____
4. Albert Floyd	<u>3</u>	14.	_____
5. Rhett Butler	<u>3</u>	15. Anthony Croom	<u>3</u>
6. Bruce Hoffman	<u>3</u>	16. Amy Cabrera	<u>3</u>
7. Palmer Philyaw	<u>—</u>	17. Ricky Linton	<u>3</u>
8.	_____	18. Shannon Segree	<u>3</u>
9. Troy Segree	<u>11</u>	19. Adam Joseph	<u>6</u>
10. Rick Hernandez	<u>—</u>	20. Craig Gibson	<u>5</u>

Additional Notes:

Recorded by: (Signature)

Date: _____

APALACHICOLA POLICE DEPARTMENT

November 2023

This month, Sgts Richards, Webb and Lizzette participated in the Sheriffs Department Fall Festival and gave out candy and treats to the kids. Sgt Webb handed out candy for Halloween. Chief Varnes and Sgt. Webb participated in the Seafood Festival parade. We did extra patrol for the Christmas festivities at the Riverfront Park. Lt. Turner conducted a DUI stop and arrest. We have increased patrol in the area of 24th street and Bobby Cato due to complaints of speeding. Thanks to a grant, the police officers all now have new bullet proof vests.

Novemeber 2023 Totals

Traffic Stops/ Warnings/ citations	30/7/3
Arrests/ Warrant Requests	8
Traffic Accidents	2
Burglary/Theft calls	2
Assist Citizens/ Complaints/investigations	300
Trespass Warnings/agreements	7
Business alarm calls/building checks/welfare checks	600
assist county call/other agencies	30
Assist Animal control	1
Domestic cases involving violence/disturbance calls	0
 Total calls from dispatch	 1200

Monthly Report for the Apalachicola Margaret Key Public Library November 2023

Statistics:

- 1,855 patrons visited our library this month - 17 new accounts opened
- 202 patrons used our computers - 82 hours donated by our wonderful volunteers
- 760 books/movies/audiobooks circulated - 819 items donated to the library
- \$360.12 collected as library revenue - 12,747 people reached on FB & Instagram

November is a month of celebrating Fall and preparing for Winter. It's also a month we give gratitude for our many, many blessings! Our library continues to flourish as a place of both joy and peace. In November, we kicked off the Susan B. Clementson Author Series with Apalachicola resident and author Thomas Becknell, accompanied by David Lloyd on guitar. Occasions like this fill our library and give the audience food for mind and soul. We thank Thomas, David, and our Friends of the Library non-profit, the Patrons of the Apalachicola Library Society (PALS) for all they did to make the event a success. The library's Book Club enjoyed a festive Thanksgiving gathering, complete with a potluck banquet, and non-perishable food drive to help feed people in our area. Kindness is all around! Yoga for adults continues with its weekly by-donation class held each Monday at 6:15. Instructor Kathy Jansen teaches the class, and offers generous touches, bringing extra yoga mats, adaptive equipment, and eye masks to enhance relaxation. If you haven't tried a class, you simply must treat yourself. Chess lessons were also held on Mondays this month, with PALS volunteer Richard Lenhart teaching and playing against all levels. Other board games are always available in the library for checkout and are a great way to engage the brain and enjoy time with other people. Consider checking them out here as a free way to entertain guests during the holiday season!

In addition to our Adult Book Club, Young adults enjoy a monthly library Book Club, with kids 13 and under meeting at 3:45 and Teens 13+ meeting at 4:30 on the first Wednesday of each month. Both groups get free books from Bring Me A Book Franklin, snack on pizza from the library, and have a low-stakes environment to talk about books, life, and laugh over both. Bring Me A Book Franklin hosts its own Lunch Bunch Book Club for homeschoolers on Tuesdays at 12 and continues to host Books for Babies for kids ages 2-5 on Tuesdays at 10:30. This is a time for building early language and literacy skills, with songs, read-alouds, toys, and crafts. As families visit the area this time of year, Books for Babies is a great Tuesday morning activity for little ones. If you know students in the area, a Homework Help time is offered on Tuesdays and Thursdays, beginning at 2:30. Volunteers offer free tutoring on any subject, Algebra to Language Arts, and kids can also use the library's free resources for school projects. We are committed to helping students succeed. Fun for kids continues on Wednesdays at 2:30, as kids of all ages are invited to play Tabletop Role Playing Games (ie. Dungeons and Dragons, etc.) and to play Strategy Games (ie. Risk, Settlers of Catan, etc.) on Thursdays at 2:30. Board games are a change from computer games-- also very popular here! Lego Club is another outlet for kids, with themed building, challenges, and endless opportunities for creativity. Pop-up craft times offer more time to build, with PALS volunteer, Connie Justice leading the fun. Three were held in November, with kids creating their own Thanksgiving decorations.

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. We offer inter-library loans, digital books/audiobooks/magazines through the Libby app, TV shows and movies through Kanopy.com. We have something for everyone. Come on in!

Happy December!

Lucy Carter, Library Director & Isel Sánchez-Whiteley, Library Assistant

City of Apalachicola public works monthly report

November 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.

- Serviced 2 vehicles
- Completed 7 work orders.
- Serviced and replaced brakes on city vehicle.
- collected trash from down town and public parks.
- cut our routine main roads parks and cemeteries.
- cut back on bay ave around stop sign for safety reasons.
- Removed bushes on 11th and 14th st. ave d that was blocking intersection.
- cut 17th st. and bay ave. storm water ditches.
- hung Christmas lights on hwy 98, and put Christmas tree up at River Front Park.
- Cut ditch back on fred Meyers.
- Installed drop box at police station.
- Removed signs on building on Lesley st.
- Building dock at cipio creek marine.
- Replaced tires on two city vehicles.
- Replaced tires on city work squad trailer.
- Loaded and hauled several loads of yard debris.

Signed by Robert Osburn

City of Apalachicola WWTP

Monthly Report for November

2023

During the month of November 2023, the City of Apalachicola continued to seek another licensed operator to work at the WWTP. We are still actively searching for other qualified candidates. Some of the items that we have been working on this month are listed below.

- Recorded all required daily parameters as outlined by the permit.
- Completed all required monthly testing as outlined by the permit.
- Completed all monthly reports and submitted them on time as outlined in the permit.
- At the time this report was made, the WWTP treated and discharged **8.27mg** during the month of November 2023. This still leaves 2 more days in the month for extra flow to be accounted for.
- We did not have to use our reject pond during the month of November.
- Staff have continued to keep the grounds cut and presentable at the WWTP. Inmates have been weed eating on the property.
- Staff have continued to work in the spray fields using the mulcher and the bush hog as well.
- Staff has worked with Public Works to change tires and a damaged rim on the John Deere 5085 tractor and the bush hog.
- Public Works changed the rear brakes on one of the trucks.
- Staff at the WWTP cleaned the algae from the EQ tank in the SBR and both disk filters to assist in the lowering of the nitrates that were being caused by an algae bloom. We have also added some microbes to aid in the removal of the algae, and nitrates that are caused by the algae.
- Staff have replaced the level transducer and high-level sensor float switch in one of the Aqua Aerobics disk filters and still have the unit not working automatically. Currently, staff are waiting to have a technician arrive on site to trouble shoot and repair, if possible, in one visit.
- The service truck for the WWTP has been ordered and we are awaiting its build and delivery.
- The bush hog attachment for the skid steer has been ordered and we are awaiting its delivery.
- Crom Inc. performed a headworks inspection as directed by DEP to have completed on an annual basis.

-
- Staff have installed an aluminum plate to cover the headworks inlet sewer channel to replace the damaged material that was in its place before and was noted in our annual headworks inspection performed by Crom Inc.
 - Staff have changed out the damaged and missing safety chains around the grit chamber that were noted in the headworks inspection. Both repairs were made aware to Lisa Kelly with Dewberry for inclusion in the fourth quarter report that will be made available to DEP as directed.
 - Staff have been hauling sludge as permitted to the Franklin County Landfill.
 - Staff have assisted field personnel in making some repairs and installations of new services while the field crew is short-staffed.
 - One individual has met with the Lead Operator and City Manager to potentially fill the position of an operator trainee at the WWTP.
 - Staff have continued to make roadways and monitoring wells accessible in and around the spray fields.
 - Water Spigot staff checked all the monitoring wells and collected samples as required in the permit. We are currently waiting for the lab reports to be able to complete the annual report for DEP.