CITY OF APOPKA

Minutes of the City Council regular meeting held on June 03, 2020, 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alice Nolan
Commissioner Alexander Smith
City Attorney Michael Rodriguez
City Administrator Edward Bass

PRESS PRESENT: John Peery – The Apopka Chief

INVOCATION / PLEDGE – Commissioner Smith provided the invocation and led in the Pledge of Allegiance. He then provided the fact of the day stating that on June 4, 1919 the 19th Amendment to the U.S. Constitution, guaranteeing women the right to vote, was passed by Congress and sent to the states for ratification. The women's suffrage movement was founded in the mid-19th century and championed by leaders such as Susan B. Anthony, Elizabeth Cady Stanton and Lucretia Mott. The movement continued into the 20th Century and culminated with the passage of the 19th Amendment, which stated that "the rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex," passed both houses of Congress and was sent to the states for ratification. Eight days later, the 19th Amendment took effect.

APPROVAL OF MINUTES

1. City Council regular meeting May 20, 2020
   MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve the minutes of May 20, 2020, regular meeting. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

AGENDA REVIEW – City Administrator, Bass requested that Consent Item #2 be moved to after Business Item #1 as one of the conditions of approval for Consent Item #2 is the approval of the Final Development Plan. In addition, Mr. Bass asked to move Business Item #2 to after Public Hearing #2 (Ordinance No. 2767) as the Ordinance needs to be adopted prior to the Preliminary Development Plan

PROCLAMATION

PRESENTATIONS:

1. Apopka Youth Works (AYW)Presentation
   Presented by: Dr. Shakenya Harris-Jackson

2. Utility Billing and Sensus Customer Portal Presentation.
   Presented by: Jamie Roberson and Tramaine Milton

3. City Cemetery Space Availability and Cost Increase
   Presented by: Susan Bone

PUBLIC COMMENT
Comment cards were submitted online from the following people and read into the record. The first comment requested that we look into possible traffic calming devices which would slow down speeders in the neighborhood as well as deter criminal activity. In addition, we received a comment as to when Taurus Development will be opening the hotel or if there were any further development plans and another regarding the development going in near South Apopka and expressed appreciation to the City for keeping these improvements a priority.

Lashonda Wood
Brenda Willard
Carl Johnson

Mayor Nelson addressed the comments and said that we're in the process of putting in sidewalks and streetlights in the South Apopka area. He stated that as to Taurus Development, we contact them on an as needed basis and said a projected date for the hotel opening will be sometime in August, however, depending on the Coronavirus, it could be even later. He further stated that he hasn't heard anything from them as far as retail or restaurants at this time

CONSENT
1. Authorize the Mayor to execute the Easement Agreement with Taurus Hotel for the Access, Utilities, Use & Encroachment.
2. Approve the Hidden Lake Reserve – Developer's Agreement, conditional on approval of the Final Development Plan. **(*this item was moved to Business, following item #1, as the DA is a condition of approval for the FDP for Hidden Lake Reserve).**
3. Authorize the Finance Department to disburse up to $25,000.00 from the Law Enforcement Trust Fund.
4. Authorize the acceptance of grant funds with the BJA Fiscal Year 20 Coronavirus Emergency Supplemental Funding Program.
5. Award a contract for ITB 2020-07: W. Ponkan Rd. Construction of a Potable Water Main.
6. Authorize the issuance of blanket purchase orders for fiscal year 2020.

Mayor Nelson asked for a motion to approve the remaining (5) items on the Consent Agenda and noted that Item #2 has been moved to the Business section and will be heard after Business Item #1, as a condition of approval for the Final Development Plan for Hidden Lake Reserve Subdivision.

MOTION by Commissioner Nolan and seconded by Commissioner Becker, to approve five items on Consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith, voting aye.

BUSINESS –

1. Final Development Plan – Hidden Lake Reserve Subdivision
Owner: TGINF, LLC
Applicant: M/I Homes of Orlando, LLC, c/o David Brown
Engineer: Madden, Moorhead and Stokes, Inc., c/o Chadwyck H. Moorhead, P.E.
Location: 501 Old Dixie Highway
Project: 13.57 +/- acres; 92 Townhome Units within 18 buildings (8 buildings with 4 units and10 buildings with 6 units); Minimum Living Area: 1,350 square feet; Maximum Building Height: 35 feet
Project Manager: Jean Sanchez, Planner II

Jean Sanchez, Planner II, said this request is to approve the Final Development Plan for Hidden Lake Reserve and is subject to the 1994 Land Development Code. She provided an overview of the project and said the property is located North of Old Dixie Highway and adjacent to Apopka Elementary School on the East. She then provided an aerial of the property showing the conservation area located on the east central portion of the property. She said the subdivision plan proposes a gated townhome community with 92 townhome units and private streets. She stated that the required minimum living area is 1,350 square feet. She said that ingress and egress access point will occur via full access on Old Dixie Highway and a left turn lane will also be provided on Old Dixie Highway.

She stated that a cross access easement will be placed within the internal streets to allow the students from the school to walk from Clayton Estates. She said 184 parking spaces are required however 225 are provided as well as 41 overflow parking spaces on street and within the pool facility area. She showed the amenity plan submitted by the previous applicant which showed a pool and a tot lot with minimum parking spaces under the approved preliminary development plan. She said that subsequently, the applicant proposed to omit the pool during the time of Final Development Plan review in 2018, which was never approved. She stated that the current applicant is proposing the amenities of a pool, clubhouse, dog park & a walking trail along the perimeter of the conservation area. With the proposed additional parking and amenities, the changes proposed by the current applicant triggered additional time for review which accounts for the length of time between the approval of the preliminary development plan in 2018 and present. She further stated that the landscape plan meets the requirements of the 1994 Land Development Code. She said the Development Review Committee recommends approval of the Hidden Lake Reserve Subdivision.

Commissioner Bankson asked for clarification as to line around the wall on the East side of the property to which Ms. Sanchez advised that that was a retention wall. William Zeh, Project Engineer with Madden, Moorhead and Stokes confirmed that this is a 10’-15’ retaining wall with no access for pedestrians as well as a 42” handrail on top of it. In addition, there is a retaining wall around the ponds with a 42” handrail around it as well.

Commissioner Becker commented that the concerns that we had with the prior application have been mitigated and said that was reassuring. He also wanted to clarify that the connection point is just for pedestrian traffic or emergency use to which Mr. Zeh, confirmed to the affirmative.

Commissioner Smith asked if there would be a gate on this pedestrian access to which Mr. Zeh confirmed there would be a gate.

Mayor Nelson opened the public hearing and asked whether anyone wanted to speak on this item. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to approve the Final Development Plan for Hidden Lake Reserve Subdivision. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker Nolan and Smith voting aye.

2. Hidden Lake Reserve – Developer's Agreement, (*conditional of approval for the Final Development Plan)* Owner: TGINF, LLC - Applicant: M/I Homes of Orlando, LLC, c/o David Brown
Engineer: Madden, Moorhead and Stokes, Inc., c/o Chadwyck H. Moorhead, P.E.
This item was moved from Consent Item #2.

Richard Earp, City Engineer, provided that this Development Agreement is intended to address Section 5.15 of the Land Development Code for guarantees and sureties. He said that this section requires that we stipulate that the improvements will be constructed within a defined period as well as document the cost of construction of the improvements, specify the timetable for the dedication of the public improvements and it will establish the amount of the performance bond. He stated that in this case, since it's a private subdivision, there are public improvements including the turn lanes on Old Dixie Highway; the lift station; water lanes; and the reclaimed lines. In addition, he said there are HOA improvements which include the roadways; sidewalks; landscaping; screen walls; and retaining walls. Lastly, there are the amenity improvements which include the pool; cabana; dog park and walking trails. He stated that now that the Final Development Plan has been approved, the construction sequence will be a pre-construction meeting and will do an erosion and sediment control stabilization for the site and will then begin to build the roadways; lift station; sewers and sidewalks. He said the applicant wants to get an early start to the building the buildings which initially will be the model home center and the amenity building so the pre-requisites to that will be to have the Plat recorded and will have in place their performance bond for 110% of the costs associated with all of the construction of the development. He further stated that since the model homes and amenity will be going up at the very entrance of the subdivision, we'll require a stabilized roadway and fire hydrants so that the fire departments will be able to respond, if needed. He further reviewed the process for issuing Certificates of Occupancy.

Mayor Nelson opened the public hearing and asked whether anyone wanted to speak on this item. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker to approve the Developer's Agreement for Hidden Lake Reserve Subdivision. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker Nolan and Smith voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2768 – Second Reading - Annexation
   Owner: Eugene and Willie Williams
   Applicant: Collier Benge Land Joint Venture LLC
   Location: 1289 Hermit Smith Road
   Project: 0.61 +/- acre; Single-Family Home
   Project Manager: Phil Martinez, Planner II
   Clerk read the title as follows:

ORDINANCE NO. 2768

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY EUGENE AND WILLIE WILLIAMS; LOCATED NORTH OF DEW BERRY AVENUE AND EAST OF HERMIT SMITH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Nelson asked whether there were any changes since the first reading and hearing none, he opened the public hearing and asked whether anyone wanted to speak on this item. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Smith and seconded by Commissioner Nolan to adopt Ordinance No. 2768. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

2. Ordinance No. 2767 – First Reading - PUD Master Plan Amendment -Mid-Florida Logistics Park
   Owner: Mid-Florida Freezer Warehouses, LTD; Mid-Florida Logistics Park Property Owners Association
   Applicants: Bluescope Properties; Kimley Horn and Associates, c/o Jason A. Lewis, P.E.
   Location: West side of SR 429, south of General Electric Road, east of Hermit Smith Road

Project: 189.00 +/- acres; 1,781,060 square feet industrial buildings; developed in multiple phases - Project Manager: David Moon, AICP, Planning Manager

ORDINANCE NO. 2767

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE NO. 2709, WHICH AMENDS THE ADOPTED "MID-FLORIDA LOGISTICS PARK PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN" FOR CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SR 429, SOUTH OF GENERAL ELECTRIC ROAD, AND EAST OF HERMIT SMITH ROAD, COMPRISING 189.00 ACRES MORE OR LESS, AND OWNED BY MID FLORIDA FREEZER WAREHOUSES LTD, GFI APOPKA REALTY LLC, UCF HOTEL VENTURE II, BPG APOPKA PROPERTIES 1 LLC, AND MID-FLORIDA LOGISTICS PARK OWNERS ASSN INC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND SETTING AN EFFECTIVE DATE.

David Moon, Planning Manager, provided an overview of the Ordinance. He stated that back in early March, City staff met with Seefried Properties and their engineering consultants, Kimley Horn. He stated that they wouldn't tell us who they were or who they were representing but it involved a 200,000 square foot distribution center called the Last Mile. He further stated that although we didn't have all of the information regarding this, the applicant asked to be under construction in the middle of July so we set out a plan to try and accomplish this. He said this first reading of Ordinance No. 2767 is for the amendment to the PUD Master Plan for the Mid-Florida Logistics Park. He added that also on the Agenda today is the Preliminary Development Plan for Lot 3 which accommodates the proposed distribution center which will be for Amazon. He stated that we also have construction plans for the Final Development Plan already under review by the Development Review Committee, we also have building plans being reviewed by the building department as well as a development agreement. He said the goal is to have everything reviewed by the June 17, 2020 meeting. He said the Seefried team and staff have been busy to get to this point in less than 3 months. The applicant for Mid-Florida Freezer is Bluescope Properties and Mid-Florida Freezer is the property owner of lot 3. He stated that the area to the West of 429 is the industrial park. The general area around the industrial park is zoned Industrial and there is some residential land at the SW corner of General Electric and Hermit Smith as well as an un-incorporated area which is located at the SW area of Hermit Smith and 441. There is some residential zoned property in that area where there may potentially be apartments and residential development. He further stated that the applicant, Seefried asked for an amendment to the master plan to expand lot 3 & decrease the lot area of lot 4. Bluescope Properties has control over those lots, though owned by Mid-Florida Freezer. He stated that the primary request in their amendment was to change lot 3 from 24 acres to 43 acres and lot 4 from 35 acres to 15 acres. Lot 4 will remain undeveloped for future use. He further stated that lot area for lot 3 went from 399,000 to 202,000 square feet, which Amazon will be in lot 4 went from 655,000 to 290,000 square feet. To accommodate Amazon, they also needed to obtain some ROW on General

Electric Road to accommodate future improvements along General Electric, including buffers and sidewalks. He said they will also need to obtain additional ROW along Hermit Smith Road. He stated that the other key changes are related to the stormwater needs. He said prior to the adoption of the amendment, there will be a Developer's Agreement which will address the items similarly outlined by Mr. Earp in a prior report regarding the offsite improvements. Staff recommendation is to approve the amendment.

Mayor Nelson opened the public hearing and asked whether anyone wanted to speak on this item. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to approve Ordinance No. 2767 at first reading and carry over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker Nolan and Smith voting aye.

3. Preliminary Development Plan – DFL5 Apopka Last Mile
Owner: Mid-Florida Freezer Warehouses, LTD.
Applicant: Kimley Horn and Associates, c/o Jason A. Lewis, P.E.
Location: 2050 and 3150 Shelby Industrial Drive (Mid Florida Logistics Park)
Project: 41.55 +/- acres; 201,475 sq. ft. distribution facility for e-commerce retailer
Project Manager: Bobby Howell, AICP, Senior Planner

Bobby Howell, Senior Planner, said that this request for approval is contingent upon the second and final reading of the Master Plan Amendment for Mid-Florida Logistics Park. He stated that the Preliminary Development Plan details the construction of the 201,475 square foot warehouse distribution facility for an e-commerce retailer where delivery vans will be dispatched from and stored on site on Lot 3 and Lot 4 of the Mid-Florida Logistics Park. He showed the map of the surrounding area and stated that access to the site will be located within 2 access points along General Electric Road and 2 access points along Shelby Industrial Drive. He stated that there will be a 5-foot-wide sidewalk constructed along both General Electric Road and Shelby Industrial Drive. He said the five-foot-wide strip of ROW will be dedicated along the portion of the property located along General Electric Road to help facilitate the improvements along General Electric Road. He stated that the stormwater will be directed to the master stormwater ponds located in the logistics park. He further stated that a total of 1554 parking spaces will be provided along the project site and of these spaces, they will be broken up between employee parking, van storage, van staging, van loading and trailer box loading spaces. He said the landscape plan is consistent with the approved PUD Master Plan. He also said there will be development agreement forthcoming which will address any concerns regarding roadway networking improvements. He stated the architectural elevations are consistent with the architecture in the surrounding Mid-Florida Logistics Park. He further stated that there are five conditions of approval, which are outlined in the staff report. He stated that staff also recommends that City Council make a motion to continue the hearing to the June 17, 2020 meeting to allow approval to be considered after second reading and adoption of the Mid-Florida Logistics Park PUD Master Plan.

Mayor Nelson opened the public hearing and asked whether anyone wanted to speak on this item. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson to continue the hearing to the June 17, 2020 following the second reading of the Mid-Florida Logistics Park PUD Master Plan Amendment. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

4, Ordinance No. 2770 – First Reading - Comprehensive Plan – Future Land Use Element - Text Amendment
Applicant: City of Apopka
Project: Policy 3.1.i – Commercial - To expand opportunities where assisted living facilities can locate.
Project Manager: David Moon, AICP, Planning Manager
Clerk read the title as follows:

ORDINANCE NO. 2770

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING POLICY 3.1.i; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

David Moon stated that this Ordinance is the text amendment to the Comprehensive Plan, Future Land Use Element. He stated that the text amendment is handled similar to an amendment to the Future Land Use Map, after the Planning Commission makes a recommendation, if City Council accepts the Ordinance at first reading, the Ordinance is transmitted to the State Agencies for their review and comment, which generally takes 45-60 days. Once received back from the State, we can move forward to the adoption hearing. He said that due to the interest locally, statewide and nationwide, for nursing home facilities, staff is proposing to change the uses allowed under the commercial future land use designation under special exception to allow for nursing homes, assisted living facilities and independent care facilities to be consistent up to 2.0 far, based upon compatibility with surrounding area. He stated that this would be a primary use, which would stand alone in development, which means it must be on a single lot and not combined with a mixed-use development. He further stated that the recommendation is to accept the first reading and authorize transmittal to the State.

Commissioner Becker asked to confirm that this type of use would be subject to the Land Development Code, which was confirmed. He said this type of use is desirable in keeping with the full life cycle of citizens in the City of Apopka, where people don’t need to move away.

Mayor Nelson opened the public hearing and asked whether anyone wanted to speak on this item. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Smith and seconded by Commissioner Nolan to approve Ordinance No. 2770 at first reading and carry over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

5. Resolution 2020-10 – FY 19/20 Budget Amendment
   Presented by: Jamie Roberson

Jamie Roberson, Finance Director, said that this Budget Amendment is associated with the Consent Agenda item for the PD for the Covid-19, Department of Justice Grant the PD was awarded in the amount of $48,465. In their Consent agenda item, they outlined what they would spend the money on including hand sanitizer stations throughout all City buildings and other PPE related items for PD and other City staff areas.

Mayor Nelson opened the public hearing and asked whether anyone wanted to speak on this item. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Becker, and seconded by Commissioner Nolan to approve Resolution 2020-10. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

CITY COUNCIL REPORTS

Commissioner Nolan said she wanted to apologize to the City of Apopka, her friends and family for not being forthcoming on her absences at City Council. She said that last year, she was diagnosed with Lung Cancer and it's been quite a journey. She stated that her husband and her decided to keep it private and just work through it but it has affected others and will provide periodic updates on this as she continues her treatment, she further stated that she wants to continue to keep it private as she continues with this journey and new part of her life.

Commissioner Bankson read a statement regarding some of the challenges of some of the things we as a City and a society are facing. I've been grieved, along with everyone else at the egregious act of the abuse of power against George Floyd and I stand with all who call out this act and condemn it at the core. He also condemns those who seek to use this as an opportunity for violence and further distrust against the thousands of good law enforcement officers, who themselves appalled. Finally, there is a legitimate frustration in the African American community and those who seek to voice their non-violent protests, which are protected by their constitutional rights as citizens and his prayer is that we all come to seek true and equal justice and protection under the law and expose any form of injustice. His thoughts and prayers go out to the family of George Floyd and all of the families who have been affected.

Commissioner Smith agreed with Commissioner Bankson' s statement and also stands with the City to condemn such actions. He stated he is proud of our Police Department in that they have a relationship with our citizens. He further stated that we are angry and due to the pandemic and so many people working from home, so many people watched this take place. He said even though we're angry, we're reminded of the word of God, and although we may be angry the looting and destruction are not the way to handle the situation. He stated that he wants the citizens to know we hear them and that we stand together in condoning what took place in this injustice.

Commissioner Becker said that he can't be more blunt than to say that what happened with George Floyd was appalling and disgusting. He said we represent people of all color, creed and station in life and even though this didn't happen in the City of Apopka, this allows us to recalibrate how Chief may run his department and get in front and be proactive about how his officers treat people they deal with on a daily basis. It also allows us to recalibrate as people and how we treat each other on a day to day basis. He said he supports the peaceful protests but said it needs to be done with a purpose as we have a lot of minority owned businesses here in Apopka so keep the peace. Also, he congratulated the Mayor and everyone on the success of the graduation parades that we held and said everyone is raving about it.

Mayor Nelson said that he was with the Chief the other day and there was a lady outside of the Police Department and she was holding a sign and was speaking about the issues very respectfully. Chief went inside and got a bottle of water and came out and handed it to the lady. Mayor Nelson noted how proud he was of the Chief and commented that this is the Apopka way.

CITY ADMINISTRATOR REPORT

Mr. Bass provided an update on the current state of the City's finances. He stated that unfortunately, the news he has wasn't very positive and said unfortunately, this is something we need to tackle. He said about a month ago, he provided a financial update and provided the April number that came in which was for February sales tax. He stated that we now have the May contribution which is for the March sales tax. He further stated that we need to keep in mind that there were some delays in the collection of the sales tax and many businesses were given extensions to pay their sales tax and hopefully this number is reflective of those as well. He said that as you can see, the revenue sharing number where we were receiving about $220,000 per month, is a number that the State projects at the beginning of the year. He said that number usually remains consistent with what we receive every month and then they do a true up at the end of the year on that number. He stated as that revenue is not a direct and a portion of the sales tax is that comes in and goes into the revenue sharing and the rest is distributed. He said that number is set at the beginning of the year and then true up at the end however, due to Covid-19, he said they've decided to true up now which makes perfect sense as if they don't, then at the end, we may need to give back. He stated that we took a big hit in the month of May accordingly. He said that on the half cent sales tax, last year we received approximately $811,000 and we had about a 7.5% - 8% increase so that number should be higher but it only came in at $524,000. He said overall, the projections to date show a loss of approximately, $680,000 loss, to date. He stated that he's continuing to watch this ongoing situation and said that aside from the sales tax revenue, there are other sources of revenues he's watching and said that between the two sources of revenue, we're off about $3 million dollars if we go by the estimates. He stated that our expenditures have not changed much and we have some savings for this year that will help. In addition, we have some capital projects that are currently on hold so we're monitoring that as well. He said that we've applied for several grants and will provide an update on the status once we receive responses. He said we received our preliminary numbers for the ad-valorem for FY 20-21 and our values equate to about a $1.1 million ad-valorem increase in revenue next year at our current millage rate which is about 8.5% increase in that revenue so that's positive. He said await the State to provide the numbers for what the sales tax number is, which will drive our budget process. He stated that we likely won't have the sales tax numbers in August and he'll provide continued updates.

Commissioner Bankson asked how what we can cut back on and how we create revenue streams and asked what the millage rate would be if we had to rely solely on the ad-valorem. Mr. Bass said he would provide information regarding various scenarios and said he'll provide the best possible information.

Commissioner Smith asked if we could use money from the CARE Act to cover the deficit shortfall. Mr. Bass stated that money allocated by the CARE Act can only be used for related items.

Commissioner Becker asked whether the projection of the 65% is based upon FY 19/20 performance. Mr. Bass provided an explanation and the formula used to arrive at these projections.

CITY ATTORNEY REPORT

Mr. Rodriguez provided the authority to initiate a curfew should there be an incident localized within the City of Apopka. He stated that Chapter 870, F.S., provides a limited scope to initiate a curfew in order to contain the situation. The Statute provides that if the Municipality does not have an Ordinance, the default authority to implement a curfew belongs to the Police Chief, however that application of the curfew is only good for 72 hours. He stated that after that period, the City Council would need to adopt an Ordinance, if warranted to continue the curfew. He further stated that this provision is solely limited to acts of violence or threat thereof. He said that the only time a City can act is if there is a localized State of Emergency. He also said that if the Governor, has implemented an overall State of Emergency, the provisions in Chapter 870, F.S. do not apply. He stated that Mayor Demmings Order extended out his authority under the Florida State of Emergency Order issued for the Covid-19 and implemented a County wide curfew.

MAYOR'S REPORT

Mayor Nelson followed up on the July 4th firework issue which we tabled at the last meeting. He said that after speaking with the Chief McKinley and Brian Forman and neither the Chief, Mr. Forman or himself are in favor of holding a firework display for July 4th as this would put our staff in a position where they have to force people to do something and to complicate it, there may or may not be alcohol involved. He stated that right now is not the time and suggested that we plan a big Labor Day firework show with all the bells and whistles. All of the Commissioner concurred with this decision.

Brian Forman provided a brief update as events coming up. He stated that the Splashpad will open on June 16 and will be open from Tuesday to Sunday and closed on Mondays. He said we'll open at 50% capacity which will be 37 kids, full capacity is 74. He also said camp will begin at the Billy Dean Community Center with a maximum of 18 kids per week for this program and it will start on June 15^{th}. He stated that we're extending the hours at the Fran Carlton Center to 7:30 – 5:30 as well as Williams Park with a maximum of 45 kids total in that program with 9 kids per group and they'll be screening the kids when they come in daily. He said at Northwest, teams are starting to allow teams to practice and will be following health guidelines. Little League starts practicing next week with games beginning on June 15th and tournaments being scheduled for June $27^{th.}$ The tournament directors will sign a waiver taking responsibility for social distancing.

Mayor provided information on funding from Orange County and said we're looking at any PPE related expenses that meet the criteria under the Covid-19 that we can submit to the County that we would be eligible for through the end of the year. He said there are many expenses can qualify for reimbursement under this program.

Mayor said there was an article in today's paper that Orange County is raising their trash fees to $245 per year and we're currently at the bottom as far as fees go $204 so we're looking at raising fees and without an ordinance, we can raise the rate by 3%. He said there was an article on Orange County Commissioners as far as the CEA matter as we try and navigate through Orange County and the overcapacity in our schools and many cities within Orange County are dealing with this same issue so we're watching to see how that ends up.

He said that the City of Apopka makes top 50 ranking in Florida being one of the best cities for homeowners return on investment so that's pretty neat. We were number 46 in Florida and 828 in the nation so a great value here in Apopka as far as home values and cost to maintain them.

Mayor spoke about the recent high school graduation and said we had 400 kids from Apopka and praised the efforts from the John Land Trust, Mullinax Ford, Rotary and others who donated enough money so that the parade costs were all covered. He also gave a shout out to Salem Communications for announcing the students names, favorite teacher, sports or clubs as well as to Ralo Florez and Kim Frazier who did a beautiful job on the photography. He said it was a great event and everyone enjoyed it. He also stated that there will be peaceful demonstration on Saturday at Kit Land Nelson Park at 11:30 a.m. The event will be hosted City, the Ministerial Alliance and the South Apopka Ministerial Alliance and encouraged everyone to come out.

ADJOURNMENT – There being no further business the meeting adjourned at 3:56 p.m.

ATTEST:

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Bryan Nelson, Mayor

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Susan M. Bone, Deputy City Clerk