

CITY OF APOPKA

Minutes of the City Council regular meeting held on March 16, 2022 at 7:00 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: John Peery, The Apopka Chief

INVOCATION – Commissioner Bankson provided the invocation and led in the Pledge of Allegiance. He then read the Fact of the Day as follows: On March 16, 1945, fighting on Iwo Jima ends. The west Pacific volcanic island of Iwo Jima is declared secured by the U.S. military after weeks of fiercely fighting the Japanese. When all was done, more than 6,000 Marines died fighting for the island, along with almost all the 21,000 Japanese soldiers trying to defend it. One of the most iconic photos from WWII took place on Mt. Suribachi where a half dozen Marines raised an American Flag at its peak using a pipe for a flag post.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of March 2, 2022.

Mayor Nelson asked if anyone had any questions on the minutes. Hearing none, he asked for a Motion to approve the meeting minutes of March 2, 2022.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve the meeting minutes of March 2, 2022. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

PRESENTATION

1. Roadway resurfacing schedule update
Presented by: Deodat Budhu

Deodat Budhu, Public Services Director, said he'll be making two presentations tonight. He said the first presentation will be the update on the roadway resurfacing

schedule which will be subsequently followed by an update on the cross-connection program.

He said on December 15, 2021, a summary of the roadway proposed to be resurfaced for FY 2021/2022 and FY 2022/2023 were presented to this board as well as the approach. the paving approach which were Mill and Overlay; Cape Seal with Micro surfacing and Cold-in Place Recycling. He said a brief explanation of these approaches as well as a proposed resurfacing schedule for FY 2021/2022 will be presented tonight. He provided a brief explanation of the Mill and Overlay process as follows: First, 1-1 ½" of existing pavement is milled and removed, then the area is then swept and a top coat is applied and finally a new layer of asphalt is applied. He gave a synopsis about the Cape Seal method and said it provides skid resistance and seals the pavement against moisture intrusion and protecting the pavement structure from further oxidation and restores appearance. He provided a brief overview of surface treatment and said this is a treatment for a road to make it last a longer. He provide a summary of the roads that we will be treating first and the methods of treatment for each.

2. Cross Connection Program Update

Presented by: Deodat Budhu

Deodat Budhu, Public Services Director provided an update on the Cross Connection program and said in February 2022, when our prior update was presented, we put the information on our website. He said on March 9, 2022, we revised the cross connection guide, which included frequently asked questions and subsequently put on our website. He said the guide provided information on the utility billing resources that are available. He said on the previous presentation, we informed you about the moving forward strategy and said that list has been provided to all customers with the letter that we sent them. He said residential customers may elect to have the City perform the required backflow testing for a cost of \$60 and may also elect to have the conversion of the backflow device for \$300 and said any repairs necessary will be based upon the item. He said if the City performs the service, the customer will be billed in 3 installments on their utility bill. He said the City residents are taking steps to comply with the notices they received and we fielded many phone calls including requesting more information on the backflow preventer; requests for the City to perform the required test; and requests to have the conversion done by the City, among other questions.

Commissioner Bankson said there's been a lot of confusion and said he's assuming everyone has been getting the same emails and said the concern is that many of them were under the impression for maintaining the backflow preventer. He said he wants to make sure he has clarity so that when he reports back to them and asked to confirm that this is part of the individual homeowner's system for those homes that have an irrigation system. He said this is just our responsibility and said what we haven't done was simply

to remind them for their own sake and their own health that they should be tested. He asked if we're still looking into having a program where the City provides the device and maintenance and then charges the customer a fee by the month.

Mayor Nelson said the problem is that now that we've started the program, we have to get everyone in compliance first. He said at that time, if we want to take it on as a City, we can do it but to take it on in June when 1/3 of the residents have replaced or complied with the testing, it wouldn't be fair to them to be charged \$3 per month.

Commissioner Bankson asked if this was something charged to every homeowner or just those with irrigation to which Paula Brown stated, just those with irrigation systems.

AGENDA REVIEW

Edward Bass said there are no changes to the Agenda.

PUBLIC COMMENT PERIOD

The following members of the Public spoke during Public Comment.

Rod Olsen, 3156 Rolling Hills Lane, Apopka, FL 32712.

Sylvester Hall, 3091 Rolling Hills Lane, Apopka, FL 32712.

Sue Meyer, 530 Sandwedge Loop, Apopka, FL 32712.

David Hoffman, 3610 Tayside Court, Apopka, FL 32712.

CONSENT (Action Item)

1. Ratify the certificate of the official election results.
2. Execute Release of Code Enforcement Lien for Roderick and Shelia Collins - 840 S. Highland Avenue
Apopka, Florida.
3. Authorize the Fire Department to accept donation of one MSA Altair 5-Gas Detector System from the East Central Florida Regional Planning Council's Local Emergency Planning Committee.
4. Authorize the issuance of evaluated and sole source memos.
5. Accept the disbursement report for February 2022.

Mayor Nelson asked if anyone needed to pull any of the items or had any questions. Hearing none, he asked for a motion to approve the five (5) items on consent.

MOTION by Commissioner by Smith and seconded by Commissioner Velazquez to approve the five (5) items on consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

Commissioner Becker commented that the first item on the Consent Agenda was Ratifying the Election results. He said he wanted to be up here and say as Kyle Becker, that he acknowledges and affirms the results. He said make no bones about it, he acknowledges and affirms the results and said he knows there's speculation publicly but said me sitting here acknowledges and affirms them and as he said to Mayor Nelson that night, he wants nothing but the success for this City. He wished the Mayor success, he wished the City Council success, he wished Staff success and wished for the success of the City. He said he looked at the Mayoral race as battling for the position in the starting line up or battling for first chair in the band and said someone will win out however in the end, we're both trying to fight for the betterment of the same thing. He stated that he wishes nothing but the best for this City and said it's been an Honor and a Privilege to serve. He said he hopes that he'll be afforded some time to make some final statements in April at my last meeting as it's been quite the ride so thank you.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2900 - Second Reading - Small Scale - Future Land Use Amendment
From: "County" Rural
To: "City" Industrial
Owner: E & H Clarcona, LLC.
Applicant: Andrew Engelmann c/o Dave Schmitt Engineering
Location: East of Coral Hills Road and west of Clarcona Road
Project: 1.34 +/- acres
Project Manager: Allyson Williams

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2900.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to adopt Ordinance No. 2900. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

2. Ordinance No. 2901 - Second Reading - Change of Zoning - Clarcona Road Property
From: "County" A-1 (Citrus Rural District)

To: "City" I-L (Light Industrial District)
Owner: E & H Clarcona, LLC.
Applicant: Andrew Engelmann c/o Dave Schmitt Engineering
Location: East of Coral Hills Road and west of Clarcona Road
Project: 1.34 +/- acres
Project Manager: Allyson Williams

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2901.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez to adopt Ordinance No. 2901. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

3. Ordinance No. 2903 - Abandonment of the Kelly Park Crossing Development of Regional Impact and its associated Development Order
Presented by: James Hitt

Mayor said Ordinance No. 2903 has been withdrawn by City Staff.

4. Ordinance No. 2904 – Second Reading - Amendment to Land Development Code definition of “tobacco shop”
Presented by: Michael Rodriguez

Mayor Nelson asked if there have been any changes since the first reading to which Michael Rodriguez advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2904.

MOTION by Commissioner Velazquez and seconded by Commissioner Becker to adopt Ordinance No. 2904. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

5. Ordinance No. 2905 - Second Reading – Annexation – 345 West Orange Blossom Trail
Owner: Vision Car Wash Tow, LLC c/o Brandon Peterson
Applicant: Brandon Peterson
Location: 345 West Orange Blossom Trail
Project: 0.23 +/- acres

Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2905.

MOTION by Commissioner Bankson and seconded by Commissioner Becker to adopt Ordinance No. 2905. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

6. Ordinance No. 2911 - Second Reading - Adoption of Non-exclusive franchise to Lake Apopka Natural Gas District for a ten-year period, approving Natural Gas Distribution Franchise agreement between City of Apopka and Lake Apopka Natural Gas District. Presented by: Michael Rodriguez

Mayor Nelson asked if there have been any changes since the first reading to which Michael Rodriguez advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2911.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez to adopt Ordinance No. 2911. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

7. Ordinance No. 2913 - Second Reading - Annexation - 2523 West Kelly Park Road
Owner: Robert T. Hutter and Alana J. Hutter
Applicant: Toll Brothers, Inc. c/o G L Summit Engineering, Inc.
Location: 2523 West Kelly Park Road
Project: 9.53 +/- acres
Project Manager: Allyson Williams

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2913.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to adopt Ordinance No. 2913. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

8. Resolution No. 2022-13 - FY21/22 Budget Amendment

Presented by: Gladymir Ortega

Edward Bass said this is a budget amendment and said if you recall at your last meeting of March 2nd, you authorized the purchase of 2 parcels on Snowden Road for the water reclamation facility. He said this amendment establishes the appropriations to purchase that land and said \$17,000 is for the .34 acre parcel and the \$212,000 was for the parcel located at 556 Snowden Road. He said the total budget amendment is \$251,900 is what we're requesting under this Resolution.

Mayor Nelson asked if there were any additional questions and hearing none, he asked for a motion to adopt Resolution No. 2022-13.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to adopt Resolution No. 2022-13. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye and Commissioner Bankson voting nay.

CITY COUNCIL REPORTS

Commissioner Velazquez said first she wanted to say thank you to everyone who came out to vote. She said she was happy that we were able to provide 6 extra days for our residents to come and cast their votes and when we look at the numbers, we did better than the last election. She said she'd like to see more of our residents come out and cast their votes and said as mentioned in the Public Comment, our vote is our voice and it's very important to be a part of the process here in local government. She congratulated our newly elected Commissioner, Nick Nesta. She said she's gotten to know him over the years that she's served. She said he was once an opponent and now a good friend and said she's enjoyed the time that she's been able to spend with him but said he understands now that we have Sunshine Laws. She congratulated him and said she looks forward to working with him. She said also to our sitting commissioner, Commissioner Becker, she said she's worked with him over the last 6 years and said she has nothing but admiration for him and all that he's done for our City and the contributions that he's made as a public servant. She said personally, she's always called him "Mr. Data" (from Star Trek) and said he always had the numbers and was always able to figure things out so quickly on the dais. She said he'll be missed but she wishes him all the best as he continues in his journey and his endeavor when he does leave us. She said she knows he serves on the Lake Apopka Natural Gas Board, and said this was something that she has served on and said she hopes that we can consider to keep him on as he does an excellent job representing us but that's something Mr. Becker will have to consider. She said she's happy to be back and she looks forward to serving our community.

Commissioner Bankson said he wanted to tell you all about the Locater 911 light bulb and said he's passed the information along to Edward and to Sean. He said this is something simple that a Fireman created and said it's a special light bulb that allows them to find homes. He said this is something that can be made available, especially to those who have special needs and said it's something worthwhile and said he'll let everyone look into it and go from there. He said we discussed the back flow preventer solutions earlier and said he agrees that it would be something if we can find a way to bridge that gap. He said if we present something that makes it easy for our citizens and as long as we have the option for anyone who wants to do this themselves, that will work. He said in addition, there was a little bit of confusion on the election notification and vacate dates. He said for so long, Apopka has been the community over there on the Northwest side and now the Northwest of Orlando has really in a tremendous position, moving forward in the future. He and said as he mentioned before, he sees a real opportunity for us in Apopka to have a seat at the table and said that's one of the factors that prompted him to seek this higher office. He did want to clarify as different ones have asked what the notification date where you must notify by a certain date that you'll be stepping down, which is 10 days prior to qualifying or June 3rd. He said he'll provide notification prior to the 3rd to make sure it's timely and that there's no question. He said that said, he'll still be serving all the way through the election on November 8th. He said this really has been a privilege and said we have another Budget Season coming up and he's hopeful that emerging from the Covid challenges that we've had, we're beginning to see good numbers and that we can make some good advances forward.

Lastly, he stated that he didn't have a problem with us directing staff to pursue a Proclamation or something for Gopher Tortoise Day on April 10th and asked if anyone had any concerns.

Commissioner Velazquez said if other Cities are doing it, she said go for it.

Commissioner Smith said his only question would be what is the difference between the resolution and the proclamation.

Michael Rodriguez said a proclamation is ceremonial and equates to a formal but a resolution is an action by the City.

Commissioner Smith said he would support us making a Resolution and that's the direction everyone decides to go.

Commissioner Becker said he would support a Resolution as will Commissioner Velazquez.

Michael Rodriguez said he'll get this drafted and have it presented at the next City Council meeting.

Commissioner Smith said he'd like to congratulate all of those who were re-elected, including himself to serve another term as City Commission here in the City of Apopka. He said he enjoys being a servant here in our great city and said he'll save his closing remarks for **Commissioner Becker** at his last meeting. He said he supports that we are allowing the Citizens the option of allowing the City to do the backflow testing as well as giving them the option, should they want to do this privately. He said we're going in the right direction.

Commissioner Becker said he wanted to clarify with **Commissioner Velazquez** when she commented that he came up with numbers as it makes it sound like he's grabbing numbers out of thin air. He said he also wanted to congratulate **Commissioner Elect-Nesta** back there and said there's a certain legacy around Seat 4 that's pretty interesting and pretty cool and said he looks forward to passing the torch on to him and his family. He said it's not about just you or just sitting in the seat but said it takes a village and a family to give you the backing that you need to do the job successfully. He said we're all rooting for you, himself personally as he's so attached to it and said he's really excited for him. In terms of the Lake Apopka Natural Gas Board position, can we get clarity on when this term ends there as he believes it's in a 1-2 year cycle and he started in May of 2018. He said he is pursuing career opportunities that would likely preclude him from doing that on an ongoing basis and would likely need to step down from that position. He said he wants to make sure to give their staff sufficient time to replace him. He said the LANG District is in a very good, solid business position right now and said they're trending very favorably. He said he looks forward to passing the torch on that as well and said please get back to him with whomever the Council appoints. He said he would like to carve about 5-10 minutes at his last meeting in April to put some closing remarks out there.

CITY ADMINISTRATORS REPORT

Edward Bass said he wanted to provide an update on fuel and said as you know, fuel prices right now are off the charts. He said we've been watching this and we're going to have to make an adjustment and said he sees that in the future. He said he didn't know what meeting we're going to bring that to you but said let's get this month under us and see where we're trending but we'll be bringing another budget amendment for fuel so that you're aware. He said the other item that he wants to bring up is that we're looking to cancel the 2nd meeting in April due to some staff issues that will be out. He said this will affect you, Commissioner Becker as we're looking to cancel the meeting on April

20th. He said Community Development has worked it through so we're good with all of the timing as far as Ordinances, Resolutions and things like that. He said it'll be the wishes of the Council but said we're looking to cancel that meeting and said it's critical that we talk about this tonight.

Commissioner Becker asked Edward to remind him why we're cancelling the meeting.

Edward Bass stated that some key staff will be out, including the City Attorney and myself but said if the Council wishes to hold the meeting, we can still meet.

Commissioner Becker said he's not going to burden the taxpayers by having people come in when we have nothing on the agenda but said he wished he had known this prior to tonight as he would've had family and friends come in the evening as they're not going to be able to come to the day meeting.

Mayor Nelson said we can have the meeting.

Commissioner Bankson said out of respect for Commissioner Becker, we need to.

Commissioner Smith asked if we can arrange the agenda so that it doesn't require any legal action.

CITY ATTORNEY'S REPORT

Michael Rodriguez said to clarify, it is a scheduling conflict on his part. He said usually if he's unable to physically be here, he would attend by Zoom but on that night, he's not able to attend at all. He said for this reason, he requested that it be cancelled as this is a matter that he cannot miss.

He said under my report, is something that was left on the agenda and says City Charter. He said one of the things that staff is considering and has also been brought to my attention by some Council members are potential amendments to the City Charter. He said he's already consulted with former colleagues of mine for advice on how to approach amendments to the City Charter. He said at this point, we're not asking for any official action but we just want to put it on the Councils radar as something we can consider in the future. He said any amendments to the City Charter, will be presented to the public to vote on at the General Election of March 2024. He said one of the things we can contemplate is whether you want to create a charter review committee to delegate the fact finding for the potential amendments or revisions. He said the proposed committee will bring their findings back to you for a final vote and this will be

done by Resolution. He said this resolution will dictate how the committee is formed; who makes the appointments; how many members will be on the committee, etc. He said the Council will provide direction to the committee as to those issues that they wish to address to keep things on track. He said at the appropriate time, we'll bring the matter before you as a part of a resolution. He said in consultation with the Orange County SOE, when you create this process, you work backwards, which is why we will incorporate this into the ballot for the March 2024 election.

MAYOR'S REPORT

Mayor Nelson said he wanted to thank everyone for coming out to vote although we all agree that we'd love to have had 40% turnout or 60% turnout however 20% is about normal across all the municipalities in the Central Florida area and said likely across the State and Country. He thanked Commissioner Becker for those words and said he felt they were very appropriate. He also congratulated Commissioner-Elect Nesta and said you'll get started here soon enough. He said the Swearing in Ceremony is set for April 26th at 12:00 o'clock at the VFW and said we'll have plenty of seating so all are welcome.

Mayor Nelson said this Saturday is the Apopka International Jazz Festival. He said gates open at 4:00 p.m. however this is a ticketed event, even though it's a Saturday night Sounds. He said tickets will be from \$45 - \$125. He said there'll be some great artists including Jeffrey Osborne; Hiroshima; Nester Torres; Dee Lucas; Lori Williams and Andrea Mack. He said for more information or tickets, please log into the website at apopkainternationaljazzfest.com. He said on the same date, we also have the Veterans Gala, which will be at the VFW Hall. He said the keynote speaker will be former Secretary of Agriculture, Sonny Perdue.

Mayor Nelson provided an update on HB, which is our bill that will reduce the seating capacity and square footage down to an appropriate number where we think we can get more restaurants to come to the CRA in Apopka and said we're real excited about what it may drive opportunity wise to Apopka and especially to the CRA zones. He said he'd like to thank those who helped us get that through the legislature. He said it's waiting on the Governors signature for it to become law.

Mayor Nelson said the federal appropriation for the City of Apopka's Northwest Water Production Plant / Water Storage Tank was in the HR 2471 and included \$1.5 million dollars for a new tank for the City of Apopka. He thanked Congresswoman Demming's and Senator Rick Scott and Senator Marco Rubio for getting that over the finish line. He said we continue to work with the Orange County Sheriff's office; Duke Energy and our Police Department to get more cameras up in South Apopka to help us control some

of the crime going on and said it's a great partnership between the three (3) organizations and hopefully, we'll get some of those cameras up that will make a difference. He said the Dream Lake baffle box on Laurel Road should be ready to go next week and said we're looking at putting in something for the kids to keep measurements there for water quality and said we're excited about that. He said we're looking to put in for some grants to finish the two other baffle boxes which would then encircle Dream Lake which is the headwaters for Wekiva so this is an important lake to and we need to try and get that as clean as possible. He said this will not only be good for Dream Lake but also for the Wekiva Basin.

Mayor Nelson said you have an appraisal in front of you regarding the Sumner property (Old Gator Growers property) and said he'll bring this back to you at the next Commission meeting to look at possibly purchasing this. He said one of the nice things about it is that the gate can be opened or closed based on whether or not you have overnight campers and said this will be an asset. He said US 441 will be resurfaced from the 429 connector road to Jones Avenue and said this is an FDOT project. He said we also have a road widening project from SR 429 from West Road to SR 414 from 4 lanes to 6 lanes and said this is a CFX project. He said there are a lot of things going on and he appreciates everyone coming out.

ADJOURNMENT - There being no further business the meeting adjourned at 8:27 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk