CITY OF APOPKA MINUTES

Minutes of the City Council Meeting held on February 1, 2023 at 1:30 PM, in the City of Apopka Council Chambers.

Present:

- Mayor Bryan Nelson
- Commissioner Kyle Becker
- Commissioner Nick Nesta
- Commissioner Alexander Smith
- Commissioner Diane Velazquez
- City Administrator, Edward Bass
- City Attorney, Michael Rodriguez

INVOCATION & PLEDGE OF ALLEGIANCE:

Commissioner Smith provided the Invocation and led in the Pledge of Allegiance. He then read the fact of the day as follows: On February 1, 1790, the very first session of the U.S. Supreme Court convenes in the Royal Exchange Building on New York City's Broad Street, with Chief Justice John Jay of New York presiding. The U.S. Supreme Court was established by Article Three of the U.S. Constitution, which took effect in March 1789. The Constitution granted the Supreme Court ultimate jurisdiction over all laws, especially those in which constitutionality was at issue. In September 1789, the Judiciary Act was passed, implementing Article Three by providing for six justices who would serve on the court for life. The same day, President George Washington appointed the justices and two days later, all six appointments were confirmed by the U.S. Senate.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of January 18, 2023.
2. Workshop Meeting Minutes - South Apopka Annexation Community Meeting January 24, 2023.
   - **a. Mayor Nelson** asked if there were any changes, additions or subtractions.
   - **b.** Hearing none, he asked for a motion to approve the two sets of minutes.
   - **c. Motion** by **Commissioner Becker** and seconded by **Commissioner Nesta** to approve the two sets of minutes.
   - **d. Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

AGENDA REVIEW

Edward stated there were no changes to the Agenda.

CONSENT (Action Item)

1. Execute release of Code Enforcement Lien - 585 Swallow Court, Apopka, Florida
2. Execute release of Code Enforcement Lien - 563 Martin Place Boulevard, Apopka, FL
3. Authorize the Mayor to accept and authorize the Department of Economic Opportunity's subgrant agreement for the Community Development Block Grant (CDBG) Phase II Community Redevelopment Agency Sidewalk Project.
4. Approve the Bronson Peak Phase 1A - Plat.
5. Approve the Bronson Peak Phase 1B – Plat.

6. Approve the Bronson Peak Phase 1C - Plat.
7. Approve the Oaks at Kelly Park Phase 3A - Plat.
8. Approve the Oaks at Kelly Park Phase 3B - Plat.
9. Approve the Oaks at Kelly Park Phase 4 - Plat.

   a. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.
   b. Hearing none, he asked for a motion to approve the nine (9) items on Consent.
   c. **Motion** by **Commissioner Smith** and seconded by **Commissioner Becker** to approve the nine (9) items on Consent.
   d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

1. Crossroads at Kelly Park Phase 3 - Major Development Plan
   Owner: Kelly Park Ventures, LLC, Kelly Park Land Investments, LLC 50%, Harriskp, LLC 50% Int
   Location: 4303 and 4405 West Kelly Park Road
   Project: 46 +/- acres; 95 Single-family residences and 350 multifamily units
   Density: 9.67 dwelling units per acre
   Project Manager: Jean Sanchez

   Jean Sanchez said this is a request to approve the Crossroads at Kelly Park, Phase 3, formerly known as Kelly Park South – Major Development Plan (MDP). She said the subject property is located at 4303 & 4405 W. Kelly Park Road, N of Kelly Park Road; E, of Round Lake Road; and W. of Effie Road, within the Kelly Park Interchange Form Based Code area. She stated that the Master Plan that accompanied rezoning ordinance no. 2946 for this property was approved on September 7, 2022. The applicant is proposing the development of 95 single-family residences and future development 350 multi-family units and commercial uses. She said 37 single-family residential units will have a typical width of 56-feet and 58 single family units will have a minimum lot width of 40-feet. The residential units will have a minimum living area of 1200 square and those with a minimum lot width of 40-feet will be rear-loaded and stated that the multifamily and commercial portions will undergo separate development review processes. The proposed access for this project is on Kelly Park Road via the spine road to the south and on Ondich Road to the north. Cross access will be stubbed out in locations to the east and south to be connected when adjacent future development. She stated DRC recommends approval and at it's meeting on January 10, 2023, the Planning Commission recommended approval on a 4-1 vote.

   Commissioner Velazquez asked what the descending vote to which Jean stated that the descending vote was due to the Kelly park Road not currently being widened and they didn't believe it supported the traffic for this development.

Commissioner Nesta asked what our response to that is to which Jean said she'll defer to Pam on this.

Mayor Nelson said we have the Workshop on this next Tuesday, at 10:00 a.m. and asked Pam to list the roads we'll be discussing.

Pam Richmond said there are two layers of roads. She said there is Kelly Park, Sadler Road, Golden Gem, Effie Lane. She said there is also another network of roads that will be covered and you'll see the plan, the partnership and the framework of the Pioneering Agreement, which lays out the funding strategy and the timeline, at the workshop.

Commissioner Nesta asked if the Pioneering Agreement is finalized to which Pam said we have the framework and are close to the draft and said we have 5 or 6 willing partners and together we have found a way to fund $40,000,000 worth of roadway infrastructure in a short time frame and said all of this will be laid out in the workshop.

Albert McKimmie, 3603 Golden Gem Road, Apopka, FL 32712, said at the last annexation meeting, Chief McKinley provided some facts and said he reported there were 27,000 potential new residents coming to Apopka all in the area that you're speaking about today. He said he continuously comes to the meetings and asks at what point the City Commissioners are going to accept the fact that there's a problem with the numbers. He asked that the Commissioner refrain from making any decisions until this workshop has been looked at and said it's unfair that we continuously prioritize projects that are going to develop other parts of the City, whereas on Golden Gem Road, we've been waiting for a number of years. He said this road is 2 miles long and is double yellow lines and only one lane of traffic and asked at what point, will they get some comfort.

Commissioner Becker said to that point, it's a timing and pacing thing for sure and said Mr. Hitt provided the Council on Thursday, last week, some numbers and read them into the records. He said in 2018, completed CO's issued through your department were 294; in 2019 there was 343; in 2020 there was 396; in 2021 there was 760 and in 2022 there were 500. He said within the margin of error, if we say there were 500 CO's per year, and using the numbers Chief McKinley reported during the annexation workshop is that on average, dwelling units within the City of Apopka averaged 3 people per DU, which equates to 1500 people per year. He said the expectation is that during budget season, that pacing of new residents and new structure are going into the analysis that they're doing to set their budgets. He said we have to make sure we have the resources to be able to account for that growth, however, this growth will obviously be staggered.

Dennis New,105 W. Magnolia Street, Apopka, FL 32703 said here comes another development built on 2 lane roads. He said today is the first time he's heard anything about a transportation plan however it pertains specifically to that area, not City wide. He said the infrastructure plan is out of date and all of these two lane roads we keep building more developments on are already overcrowded and the schools are above capacity. He said the Fire Department and Police Departments are still understaffed and said the other departments are likely understaffed. He said its time to slow this down until we get plans in place.

Commissioner Becker said the next two pieces of business are dealing with water collection and routing and asked whether the new piece of development will be flowing into that one retention area or if some of it will be flowing North to the larger retention area on property.

Lance Bennett of Poulos and Bennet, the applicant on the Crossroads project, stated that the stormwater was split between the retention that you see here and the larger retention in the middle of the overall project site. He stated that this Crossroads Development did enter into a development agreement with the City to advance the 4-lanening of Kelly Park Road and that is under design.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion approve the Major Development Plan for the Crossroads at Kelly Park – Phase 3.
c. Motion by **Commissioner Becker** and seconded by **Commissioner Nesta** to approve the Major Development Plan for the Crossroads at Kelly Park – Phase 3.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

2. Authorize an Emergency Designation for Public Services to procure the services of Ballenger Irrigation for design, permitting, construction, and one year of routine maintenance of the Alternative Water Supply irrigation pump stations for Clear Lake Estates and Clear Lake Landings.
   Presented by: Richard Earp

   Richard Earp, City Engineer, said he will be presenting the next 2 items and will explain both of these items, as they're related. The first item is a request to authorize the Emergency Designation for Public Services to procure the services of Ballenger Irrigation for the design, permitting, construction and one year of maintenance of the Alternative Water Supply irrigation pump projects that will serve the subdivisions of Clear Lake Estates and Clear Lake Landings. He said last Thursday, Mayor Nelson, other Senior Staff and I met with both Homeowners Association Presidents to formulate a plan that was agreeable to the homeowner's associations. He said he will highlight the homeowners agreed upon approach and is described in your packets in more details. He said the City will fund, the design, permitting, construction and the maintenance of the Alternative Water Supply irrigation pump project. He stated at this time, the anticipated cost of the project is $600,000 and said the irrigation systems will be set up so that they will be temporarily disconnected from the City's regional reclaimed water network, although it will be possible to reconstruct the irrigation systems back to the City's reclaimed water network, if and when Clear Lake is temporarily too low to use the lake as an alternative water supply. He stated that residential customers will continue to be charged for the reclaimed water usage, as recorded by their water meters and billed at the current established rates for reclaimed water. He stated that the Homeowner's Association will not be charged for reclaimed usage at this time for the HOA common areas. He said the City needs to have Easements from both HOA's to access their private property to construct and maintain these systems. He said both Easement Agreements from both Homeowners Associations stipulate that after 5 years, the City will analyze this and potentially renegotiate the billing approach, considering the reclaimed water usage; past reclaimed water bills; final costs associated with the set up and maintenance of the irrigation systems, the level of Clear Water Lake at that time and stated that the City does intend to recover all of the set up costs associated with the implementation of this alternative water supply project. He said both HOA Presidents supported this plan and on Monday, he understands that both HOA's conducted emergency meetings with their residents to discuss their proposed plans and he understands that the residents support this plan. He said the second item (item #3) is to authorize an emergency designation for Public Services to procure the services of Stage Door II, for the design, permitting, construction and operation of a temporary pump that will extract water from Clear Water Lake with the water discharging into the roadside ditch North of Lust Road and West of the 429. He stated this ditch connects directly to the Lake Apopka North Shore Restoration Area and said no flooding or other adverse impacts are anticipated to be caused by this temporary discharge of water. He said at this time, the estimated cost of this emergency operation is $200,000. He stated that the SJRWMD would need to authorize this emergency pumping and have indicated that as a part of this permit, the emergency pumping can be conducted for a maximum of 90 days. He said the pump to reduce the elevation of the surface water of the lake would be reduced by no more than 2'. He said the district will require consent for all 4 private property owners around the lake to confirm their concurrence with the proposed pumping plan. He said we already have confirmations from 2 of the HOA's and that leaves Avian Pointe's acknowledgement as well as the single family residence on the east side of the lake to agree. He said this temporary pump was approved by both HOA Presidents and he understands that at their emergency meetings, the residents were also in support.

Commissioner Becker said he's received feedback from the Association Presidents and asked from a legal prospective, how this trickles down to the buy in and the billing of the individual residents and asked if that was factored and covered in this agreement. **Michael** confirmed and said the agreement allows us access to the project and this is being granted through the association. He stated our infrastructure is already there and said those prior obligations and agreements for the residents remain. He said what is changing is that the agreements will provide for the access, as well as the water that is a part of this new system is on association property and not on individual property owners and won't affect the current relationship between the property owners and the City in regards to the receipt of reclaimed water. **Commissioner Becker** said there have been questions about liability and asked if our indemnification language cover the City as far as liability as related to someone drinking water out of the irrigation system? **Michael** stated the potential risk and liability doesn't change because the source of the water is changing and is still a part of our system, therefore, the liabilities and risk remain the same for every resident of the City of Apopka that receives reclaimed water. **Commissioner Becker** asked if the right parties, including SJRWMD, determined that the water is environmentally safe to vacate off of Clear Lake for that purpose. **Richard** stated that the water is high quality water and said the water quality results were provided. **Glen Brooks,** Water Resource Manager, confirmed that the samples that were analyzed from Clear Lake do meet all of the standards for public access reuse and briefly explained the findings in the report. **Commissioner Becker** thanked the staff and individual communities for their participation.

Commissioner Velazquez said her concern was at the last meeting, the community was totally against this proposal and said she has concerns between then and the meeting held on Thursday, the 26th, the meeting with the Mayor, however this is the same proposal presented the that meeting. She said we were either going to do the $200,000 for the emergency although it was discussed that wouldn't have much of an impact to change the condition. She said she also recalls Richard saying we were more considering the $600,000 package as this was an emergency situation and doesn't understand how we're now doing both. She said we've had phone calls from residents, who are basically saying that we're using the utility reserves, which all of the tax payers have contributed to. She said she understands the emergency and we need to address it but asked what changed. **Richard** said there was a lot of discussion at the last meeting and said he understood that the Council wanted was to sit down with the two Presidents of the HOA's and talk about all of the options at hand. He said when we did that, we came up with these two options, and said with the irrigation option, the residents would continue to pay at the City established reclaimed water utility rate, based on usage. Under this 5 year agreement and during the 2 days a week when the SJRWMD allows the HOA to irrigate, they'll maximize that irrigation with the idea of pumping as much water out of the lake as they can and putting it on the common areas to reduce the lake. **Commissioner Velazquez** asked if the HOA will be paying for the common areas. **Richard** stated not during this 5 year agreement. **Mayor Nelson** said this is a small piece and thought it would be less than 10%. Commissioner Velazquez asked Blanche what the breakdown of what the HOA pays and what the residents pay. **Blanche Sherman** stated that the HOA fees came to about $12,000 and the residents average about $117 annually. **Commissioner Velasquez** said so this agreement over 5 years will pay back the reserves that we're using for this. **Blanche** confirmed and said the intent is to recover all of the costs, which is why we're doing this over a 5 year period. **Commissioner Velazquez** stated those are not hard numbers from what she understands. **Blanche** confirmed and stated that those numbers are averages over the last 4 years. **Commissioner Velazquez** reiterated that the HOA will not be paying for the common areas for the 5 year period and that amount is $12,000, which is about $60,000, but we're approving $200,000. **Blanche** confirmed that is on the table for your consideration. **Commissioner Velazquez** stated she wants to help this community but doesn't want to do it off of the taxpayers back. She said she's been told privately that it's irresponsible to go ahead with this and we need to be good stewards. She asked why there was a meeting on Thursday, the 26th and the HOA meeting was on the following Monday and asked if the HOA came to us and asked to meet or if we initiated the meeting. **Brett Wilkerson**, **President of Clear Lake Landing HOA**, said the City initiated the meeting following our request during the last meeting to sit down and discuss everything. He said on Thursday morning, Richard reached out to him as well as Jeff, the HOA President of Clear Lake Estates and requested a meeting so that we could go back over everything and make sure we're all on the same page. **Mayor Nelson** added that the follow up meeting was after that. **Mr. Wilkerson** said that is correct and said we took this back to the residents and explained everything that was being proposed and discussed before we came into this meeting and move forward. Commissioner Velazquez said between the 2 HOA's, there are 189 homeowners and asked how many showed up to the meeting. **Mr. Wilkerson** stated that they had approximately 35 from Clear Lake Estates HOA, which was one of the highest turnout we've had and said this was posted to the community via email as well as a community Facebook page that we have and has had no negative comments. In addition, Clear Lake Estates had approximately 14 at their meeting, which was a good turnout as well. **Commissioner Velazquez** said we're all committed to helping but said she's on the fence about the $200,000 and said this was never on the table and we have to answer to our taxpayers and said those who reached out to her on this are saying that we're irresponsible in utilizing the utility reserves that all taxpayers have contributed to. She said she's comfortable with the payback of the residents but is on the fence about the common areas and feels the HOA should be billed in order to have the assurance that that over the 5 year period, we will get back the $800,000 in the reserves.

Commissioner Smith said he appreciates that the two communities being willing to meet and said as discussed, what was previously mentioned, there was a lot of contention on this during the last Council meeting. He said to come to this point in an agreement is a great deal. He said he also received some phone calls from individuals that were opposed to what we're about to do today as well as from those in support. He said he did some homework of his own between Monday and today to make sure that what we're doing today as far as his vote is concerned is due diligence. He said from the legal aspect, he wanted to know whether what we're doing would set a precedence and he's been assured that it doesn't and that it would be a case by case issue. He said the other thing he considered was that when these codes were put into place as far as drainage and water, over a period of time, those codes are no longer valid today as due to the excessive amount of rainfall we're receiving, now some of the drainage pipes are not large enough and said as a result, he'll be making some recommendations for the LDC to address those issues. He said after he did all of his due diligence, he's fine.

Commissioner Nesta said in reference to having all 4 land owners agree to this, who runs point on getting all of those agreements and signatures. **Mayor Nelson** said we have 2 of the HOA's. **Commissioner Nesta** then asked if it's the City that runs with that. **Richard** stated yes and that whatever the City Council approves, he'll be the point person on that. **Commissioner Nesta** said he knows there are still issues with Clear Lake Estates with their developer (that actually owns the land) not turning over rights on the water and asked if we're handling that as well. **Michael** said according to the Property Appraiser, the LLC, which was formed during the development, still has title. He said these agreements were written so that that entity is the legal authority to sign for it and said his understanding is that the BOD of the HOA is still developer controlled however there is an HOA and is a incorporated and is a legal entity and has a board that can enter into agreements and has the authority to sign. **Commissioner Nesta** asked if we have the original LLC's contact information and whether we're working with them. **Michael** stated that in order to execute the agreement, it shows the LLC in care of the HOA. He said he provided Public Works Department with their contact information in order to have the correct signatory. **Commissioner Nesta** said he has also received the phone calls and said we weren't in the room on Thursday but wants to understand the reasoning behind the not charging the HOA for community areas is so they can pump as much as possible on that day and not pay a huge bill. **Mayor Nelson** stated that when we were discussing this with Blanche, we were talking about giving everyone free water leading up to a storm but this would create a nightmare for our Accounting and Utility Departments and said this was a better way to provide some relief for this. **Commissioner Nesta** asked if there's a way to take the bills from the last year or two and average them out and have them pay that amount over the next 5-6 years. **Mr. Wilkerson** said that makes sense but said the City will re-coop that money over a 5 year period and with the additional water and the money that's coming in from the HOA's. He said if that were the case, we'll need to renegotiate the contract to a shorter time frame.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to Authorize an Emergency Designation for Public Services to procure the services of Ballenger Irrigation for design, permitting, construction, and one year of routine maintenance of the Alternative Water Supply irrigation pump stations for Clear Lake Estates and Clear Lake Landings.
c. Motion by **Commissioner Becker** and seconded by **Commissioner Nesta** to Authorize an Emergency Designation for Public Services to procure the services of Ballenger Irrigation for design, permitting, construction, and one year of routine maintenance of the Alternative Water Supply irrigation pump stations for Clear Lake Estates and Clear Lake Landings.
d. **Motion carried unanimously ,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

3. Authorize Emergency Designation for Public Services to procure the services of Stage Door II to implement a temporary pumping operation intended to reduce high lake water levels in Clearwater Lake.
   Presented by: Richard Earp

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to Authorize the Emergency Designation for Public Services to procure the services of Stage Door II to implement a temporary pumping operation intended to reduce high lake water levels in Clearwater Lake.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to Authorize the Emergency Designation for Public Services to procure the services of Stage Door II to implement a temporary pumping operation intended to reduce high lake water levels in Clearwater Lake.
d. **Motion carried 4-1,** with Commissioners Becker, Nesta, Smith, & Velazquez voting aye and **Mayor Nelson** voting nay,

Commissioner Velazquez asked that as the numbers come in, we can see what they are.

Commissioner Becker asked for the record, who was the nay vote. **Mayor Nelson** stated it was him. **Commissioner Velazquez** said sometimes she doesn't hear what the votes are and said she didn't hear who the descending vote was. **Commissioner Becker** stated that it's typically the case where we know why people don't lend a positive vote. **Commissioner Velazquez** said she finds it interesting is that he had the meeting and proposed it and is the one disapproving it. **Commissioner Becker** asked if there was any particular reason why you voted no? **Mayor Nelson** said I voted no.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2985 - Second Reading - Small Scale Future Land Use Amendment - Soil Blending Properties
   Owners: Soil Blending Properties, LLC & Raynor Apopka Land Management, LLC
   Applicant: Michael Dinkel
   Location: 136 Hermit Smith Road
   Tract Size: 20.15 +/- acres
   Project Manager: James Hitt

   Mayor Nelson asked if there were any changes since the first reading to which Jim stated there were no changes.

   a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.

   Dennis New said Rain or Shine, one of the companies that's doing this is a great company and said this will bring jobs to the area and that's all a welcome thing but asked if consideration has been given to the fact that both of the roads that lead into this area. He said 441 and Hermit Smith Road is a residential area and those roads are already overburdened and said he's not opposed to this but asked what we're going to do to improve the roadwork. He said this is a 90 degree turn with 2 dead ends so both ends are heavily traveled by all of the commercial vehicles going in and out of Goya, Amazon, Minute-Maid and all the other plants back there. He said consideration should be given to those residents, even thought they're not in the City. **Jim Hitt** stated that these uses are already in place and said if you look at the aerial, these uses are already being used by that company and said this is a preexisting use.

   b. Mayor asked if anyone else wants to speak on this matter. hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2985.
   c. Motion by **Commissioner Nesta** and seconded by **Commissioner Becker** to adopt Ordinance No. 2985.
   d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
2. Ordinance No. 2984 - Second Reading - Change of Zoning - Soil Blending Properties
   Owners: Soil Blending Properties, LLC & Raynor Apopka Land Management, LLC
   Applicant: Michael Dinkel
   Location: 136 Hermit Smith Road
   Tract Size: 20.15 +/- acres

Project Manager: James Hitt

Mayor Nelson asked if there were any changes since the first reading to which Jim stated there are no changes.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2984.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2984.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

3. Ordinance No. 2989 - First Reading - Small Scale Future Land Use Amendment - Activ Lifestyles ILF
Owners: Housam Family Trust
Applicant: Lowndes Law Firm
Location: 2021 Old Dixie Highway
Tract Size: 10.42 +/- acres
Project Manager: James Hitt
Table to date certain March 1, 2023

Jim Hitt, said staff and the applicant are requesting that this item be tabled to a date certain of March 1, 2023. **Mayor Nelson** asked if anyone from the Public wanted to speak on this matter, even though we're going to table it.

Emy Bowers, 2170 Lake Marion Drive, Apopka, FL 32712 said when her husband and she bought their house, they picked it because of their back yard and said she's really concerned with this being in their backyard and said the back of her house has all windows. She said she has experienced a peeping tom and said she has a baby and said her concern is someone looking in her house at her child and all of the other children on her street. She said in addition, this will lower her property value and said with this establishment, they'll have issues with noise and the quiet back yard will become a noisy nuisance. She said her house lines up with the proposed retention pond so she's also concerned about mosquitoes. She said she's for this establishment, just not behind her house. **Steve Lareau**, 770 Via Milano, Apopka, FL 32712 said he lives in Villa Capri and the president of the HOA there. He said we're also backed up to this property and their homes are single story homes and their concerns are similar and said the view, lights, noise and other previously mentioned issues. **Mayor Nelson** asked Jim if he was correct in that they're trying to work on some things that will make it less impactful to the neighbors. Jim Hitt confirmed and said they're looking to reconfigure the building and increase the setbacks. **Dennis New,** asked if consideration has been given to the folks at Errol Estates and said this is proposed to go on a 2 lane, heavily traveled road, needing improvement. He said in addition, the Police Department and Fire Departments are understaffed and for a residential facility like this, rescues become complicated if there were a structural fire. **Albert McKimmie,** said it appears that there are a proliferation of multi-story buildings and said this proposal is for a 3 story building and said three have been a number of 3 story buildings proposed lately but hasn't heard any comments on whether this building has a 55+ year community. **Mayor Nelson** said this item is being tabled and brought back on March 1st.

a. **Mayor Nelson** asked if anyone else from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to table Ordinance No. 2989 to a date certain of March 1, 2023.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to table Ordinance No. 2989 to a date certain of March 1, 2023.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

4. Ordinance No. 2992 - First Reading - Shoppes at East Shore - PD Rezoning, Master Plan, PD Agreement and Major Development Plan
Owner: Shoppes at East Shore, LLC
Applicant: Kimley-Horn and Associates, LLC c/o L. Jordan Draper, P.E.
Location: Northeast corner of Ocoee Apopka Road and Keene Road
Project: 28.02+/- acres; grocery store, commercial outparcels and age-restricted multi-family units
Density: 15 dwelling units per acre maximum
Project Manager: Jean Sanchez

Jean Sanchez said this is a request to accept the First Reading of Ordinance No. 2992 and hold over for Second Reading and adoption. She said the applicant is requesting a change of zoning from T-(Transitional) and MU-ES-GT (Mixed-Use – East Shore – Gateway) Zoning districts to PD as well as the Master Plan and Major Development Plan. She said the subject properties are located on the NE Corner of Ocoee Apopka Road and Keene Road. She said the Shoppes at East Shore is a consolidation of four parcels, totaling approximately 28 acres. The properties have zoning designations of T (Transitional) and MU-ES-GT (Mixed-Use – East Shore Gateway), as well as, future land use designation of Mixed-Use. The applicant is proposing a Planned Development (PD) that includes a mix of commercial and residential uses. The applicant is requesting a rezoning of the property to PD instead of a conventional zoning district to allow protection of the natural environmental features of the property, including wetlands, and floodplain conservation that conventional zoning district development criteria on the property would make more difficult to achieve. The applicant has worked with staff to design the site to locate each type of use pragmatically and ensure its compatibility with existing adjacent uses. She said DRC and Planning Commission recommend approval.

Commissioner Velazquez said she had a meeting with the developer and the attorney who represents this.

a. **Mayor Nelson** asked if anyone else from the Public wished to speak on this matter.

Commissioner Becker said as a result of that meeting he had with the applicant, he received 4-5 emails from residents on this topic. He said all were in favor of progressing with this development and said one was keen on the idea of what's going to happen with Ocoee Apopka Road. He said obviously, that road is very dangerous from Keene north on Ocoee Apopka in its current form and said his understanding from the applicant is both Ocoee Apopka and Keene Road are going to have roadway improvements and the 4 laning of Ocoee Apopka is impacted by Stormwater Runoff so that has to be solved before you can expand capacity and said the signalization of Keene and improvements on Ocoee Apopka Road and that S-Curve are going to be done as this development is constructed. **Pam Richmond** stated that Jean laid it out pretty well and said we are 4 laning Ocoee Apopka Road from just South of Keene to Alston Bay Blvd and said the 4 laning and the signal are under design however, we are encountering some issues with Stormwater and are currently being held up by review at Orange County. She said we're moving as fast as we can and said this will be 4-laned. She said the safety improvements they're putting in place, until we can get the 4 laning done will be sufficient. **Commissioner Becker** said he didn't mean to be combative, he said this was the insight that he got from the applicant. He said it was his understanding that the improvements that were going to come as part of this project would be the turn-ins; center-lane, where applicable, as part of this construction. He said there were some obstacles to getting the 4-laning done north of Keene northward. **Pam** said in a perfect world, everything would be synced up and said we've been working on this for well over 2 years and said the stormwater is an issue but believes we found a solution. She said if we get the signal in and the turn lanes into the sight, it will create a noticeable difference. **Commissioner Becker** said it may be him reading into the tone but he's not pointing fingers here, rather, he's agreeing with the fact that ultimately, we'll have road capacity here and at the short term, as this is being developed, we should mitigate the concerns that residents have by saying the road will be improved. **Jonathan Huels,** Attorney for the project team have been working with staff for quite some time and said to the concerns expressed by Commissioner Becker are the same concerns and the concerns that have been expressed from the community are the same as the owner and developer. He said they want to have a successful project and in order to do that, there has to be safe access in and out and safe travel to the property. He provided a couple of slides depicting the roadway improvements being made and said as a part of this project, this owner will be donating a 30' wide swath of property along Ocoee Apopka Road, that is integral and needed for the future 4 laning. He said when that donation is added to the donation that is taking place across the street on the west side, the ROW turns from being a 60' segment to a 120' segment. He said the City will gain control over those additional road segments without having to come out of pocket whatsoever or without engaging in any sort of eminent domain proceeding. He said in addition, before this center opens, this developer will design and install a permanent condition mast arm signal that will accommodate the 4 laning, when that does become a reality. In addition, along with that signalization will be improvements made to the intersection in the form of turn lanes, both on the Keene Road approach as well as on Ocoee Apopka Road. He said in addition, as part of this project, both road frontages are going to be re-designed to accommodate safe access to this project.

Commissioner Becker said on the vicinity map, north of where the dark shaded boxes are, you can see where the 4 laning will occur and said if you weren't donating that, we would have to come out of pocket for this ROW. He said kudos to staff for doing that and thank you to the applicant for doing this.

b. Mayor Nelson asked if there is anyone from the Public that wished to speak on this one.

Dennis New said that was a good presentation by the developer and they have a plan to help with the roadways and everything else but said the City still has an understaffed Police and Fire Department and said more importantly, the design and engineering that went into Clear Lake Estates, Clear Lake Landings and Avian Pointe and the Central Florida Expressway when they blocked the waterflow to Lake Apopka, all of those things led to a landlock lake, flooding and endangering residents. He said if the engineering is not right, we're going to have another problem. **Jennifer Hay** from Emerson Park said she knows many of you have received emails about the new shops. She said like many of her fellow neighbors, we are in favor of this development. She said our neighborhood stretches from Ocoee Apopka Road all the way to Marden Road and said we were here before the hospital and said nestled in between the 414 & the 429 exits, yet we're surrounded by homes, apartments and warehouses. She said instead of getting off these exits to go home, we go to West Road in Ocoee because that's the closest place to shop and eat. She said that is money that is not being spent in Apopka. She said we really want this development and are hoping that this passes.

c. Mayor Nelson asked if there is anyone else from the Public that wished to speak on this one.
d. Hearing none, he closed the Public Hearing and asked for a Motion to approve the First Reading of Ordinance No. 2992 and hold over for a Second Reading on adoption.
e. Motion by **Commissioner Velazquez** and seconded by **Commissioner Smith** to approve the First Reading of Ordinance No. 2992 and hold over for a Second Reading and adoption.
f. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

5. Ordinance No. 2993 - Second Reading – Amending Chapter 22 – Capital Facilities and Impact Fees, Article IV – Water, Sewer, and Reuse Capital Facility Fees and Fund, Section 22-97, Section 22-98, and Section 22-99.
   Presented by: Vladimir Simonovski

Mayor Nelson asked if there were any changes since the first reading to which Vlad stated there are no changes.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2993.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2993
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

6. Ordinance No. 2996 - Second Reading - Providing for the Issuance of Trespass Warnings on or within any City Maintained or Owned Public Properties, Buildings, Parks, and for an Appeals Process
Presented by: Michael Rodriguez

Mayor Nelson asked if there were any changes since the first reading to which Michael stated there are no changes.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.

Albert McKimmie, said it's not so much about the Ordinance for Trespass, it's about what he believes is a misrepresentation of facts that the City Attorney continues to give us. He said at the last meeting, Mr. Rodriguez said that in order to record on City property, there had to be dual consent and asked if anyone here today gave consent. **Michael** stated that participating in a Public Hearing infers consent as you're aware that that the meetings are being taped. He said the Federal Courts have deemed that forcing onto someone to be video-taped, interferes with the productive work of government and local government can regulate and said it becomes a time, place and manner restriction. He stated there is no fundamental right to unfettered access to government buildings.

b. **Mayor Nelson** asked if anyone else from the Public wished to speak on this matter.
c. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2996.
d. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2996
e. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

7. Ordinance No. 2997 - Second Reading - Establishing Public Health and Safety Regulations on Public Property within the City
Presented by: Michael Rodriguez

Mayor Nelson asked if there were any changes since the first reading to which Michael stated there are no changes.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2997.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 2997
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

8. Resolution No. 2023-03 - FY22/23 Budget Amendment
Presented by: Blanche Sherman

Blanche Sherman stated that Resolution No. 2023-03 for budget amendment #9 and said this item includes the items that were presented to you today for $600,000, coming out of the Utility Operating Reserves for the cost of the pump for Clear Lake Estates and Clear Lake Landings and another $200,000 coming out of Utility Operating Reserves for the Emergency Temporary Pump. She stated that in addition, we have $800,000 that was approved earlier on the Consent Agenda for the CDBG Block Grant – Phase 2 for the CRA sidewalk project. She said the total of this budget amendment totals $1,6000,000.

Commissioner Velazquez asked Blanche to repeat the total. **Blanche** stated $1,600,000. **Commissioner Smith** said we may want to add that should the costs for the pumps and for the emergency pumping exceed the $600,000, that this would be brought back to Council.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2023-03.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve Resolution 2023-03.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

PUBLIC COMMENT PERIOD

Commissioner Becker said before we start this, back in 2016, there was a resolution passed around the public comment period and said prior to that, the public comment was at the end of the meeting and the period was 4 minutes and there was a suggestion to move it to the beginning of the meeting and said it's been at the front of the meeting ever since. He said he was surprised to see it's at the end and asked what the driver of that was and whether this is in violation of our policy. **Michael** said the wording of the resolution itself does not set in stone what items are going to be on the agenda and when they'll appear on the agenda. He said the wording simply states that public comment follows presentations and doesn't say immediately following presentations or upon a decision by the City

Council and said if the City Council chooses to change the location on the agenda, in relation to presentations, that would require a full decision by the Council. The interpretation is that as long as public comment comes after presentations, that is what the wording is. **Commissioner Becker** asked Edward why this change was made. **Edward** said the Mayor sets the agenda. **Mayor Nelson** said the decision was staff driven and said we stayed until 1:15 a.m. and staff had to wait for the meeting to get over and they have families and have to get up and go to work the next day. **Commissioner Becker** asked if staff leaves the building and someone is here that has a concern and staff is no longer present, what customer service have we provided to a taxpayer. He said our residents are at the top of the hierarchy within our budget, our residents are at the top of the food chain. **Commissioner Velazquez** read an excerpt from the resolution and said as the Chair, the Mayor can determine how the pubic comments go and has the ability, under Section 6, Standards of Decorum, to govern how we conduct our public comments. She said at the beginning, we would make the announcement as per Section 1 of page 1 and read the excerpt as follows: "at the start of every meeting, the Mayor may, in his discretion, make any of the following announcements: turn off all cell phones; if you wish to address the City Council, please make sure you have filled out your contact information and present it to the Clerk and when called to speak, proceed to the podium and speak clearly into the microphone, etc." She said we owe our residents and taxpayers, the respect of giving them the opportunity to have public comments at the beginning of the meeting. **Commissioner Smith** said he's heard it both ways and said he's heard from some of our residents don't think it's fair that they have to be here at the beginning of the meeting in order to speak and said they feel they should be able to speak at the end due to work schedules and other reasons and there are those who prefer to speak at the beginning of the meeting.

Michael Duran, 11504 Alamo Court, Clermont, FL said the long awaited Gannon Report is out in draft form and no surprise, the City continues to hold this until the last possible moment and continues to push back and refuse to accept accountability. He said the City hand selected this company to complete this holistic review and said the report is full of City failures. He said Gannon reports levels of liability to the City are high with unqualified staff preforming building inspections and delivering training. Training that Austin didn't get. He said the City Attorney comments on this statement as a legal falsehood. He said Gannon reports there is organizational unity in a shared grief over Austin and said other than states the department is dysfunctional in many key areas. He stated that it is accepted a firefighter's role will be exposed to danger and unpredicted situations responding to emergencies in the field but not at a fire station where work place safety should be exemplary. He said the fire staff comments were that there were only negative comments published and the City Attorney comments in this statement say this is not supported by factual data and said the Mayor is right, facts are a funny thing. He said Austin's death was a direct result of a lack of training and safety at the fire station. He said the amount of years the sand trailer was used but never once was anyone trained on it. He stated that there's a serious disconnect between Admin and District Chiefs and said we need to be more involved in planning or changes that can affect operations. He stated that he received a text from a firefighter this morning that Admin sent us an email and asked us to talk to them (Gannon) and it would be anonymous and this report says they need to tell them who said those quotes. He stated that Marion County Rescue had to mourn a second death due to suicide in just one month. He said Apopka Fire and the entire City must take this report to heart before we suffer another tragic loss.

Commissioner Becker said he needs guidance and asked whether the report that we were all sent yesterday afternoon falls in the realm of what we talked about in Executive Session. **Michael** stated that because the report skirts around and touches issues regarding the accident, and the overall department and then back to the accident. **Commissioner Nesta** asked what our special Counsel advised. **Michael** said they advised the same thing he's advising in that we cannot discuss issues relating to the litigation. He said if you want to discuss the holistic issues or overall issues in the department and are not in the facts of the litigation, that is in your purview however those issues that are raised or statements that can be made of inferred from the report that are leading to some type of opinion or subject matter of the litigation is that fine line. **Commissioner Becker** said we need to decide as we've had residents that have sought public record of this report. He stated that his opinion, the draft that they sent is a public record, not a version that has fire and legal response. The clean version and has to be delivered as such in its purest form. He said if there wasn't proper due diligence done prior to our session, it is not a fault of the person seeking the public record. He said the one that we received is a separate record from the one that we received that is littered with remarks. He said as Mr. Duran mentioned, there are a lot of strike throughs on the verbatims and if they were given certainty from their leadership, that they were to remain anonymous in these reports, they better be anonymous. He stated he's hoping that's not the case. **Michael** said his statement was, did Gannon advise the fire fighters of any of the staff that their comments would be publicized and printed in a report that was going to be a pubic comment, He said his concern on this raised to Gannon was for the protection of the privacy of the employee.

Alex Klepper, 894 Stirling Drive, Winter Springs, FL 32708, said this report has to do with safety, which is supposed to be our number 1 priority in the City and we hear that constantly. He said he can resolutely say, he's never been more embarrassed and ashamed reading a documents in some time. He said it's unacceptable. He stated that Chief Wylam and Mayor Nelson hand picked this professional organization to review this fire department and were told that our own people weren't allowed to preform or review any review or critique because industry leading, subject matter experts were conducting them instead. He said Gannon Solutions was part of the Ad Hock Committee that Chief Wylam stated he put together and said the subject matter experts rendered their report. He said suddenly, this company has gone from experts to enemy number for exposing the reality that the rest of us live in. He said through the assistance of Chief Maynard, who he commended for his efforts in this, our fire fighters were encouraged on multiple occasions and even offered overtime to meet with representatives from this company and were told that their participation is an important part of this evaluation and will provide a better understanding of our department and a plan for important next steps moving forward. He said now that the truth is out, our Chief wants every employee comment stricken from the record. He has had so many complaints on his phone but not one of them has been that they published their words. He asked what angle could this company have that was hand-picked. He said the responses in this report were clearly written reactively, out of fear rather than understanding. He said we have no sense of where this is coming from, why it's gone the way it's gone and said this is unacceptable.

Dennis New, 105 W. Magnolia Drive, Apopka, FL 30703 said again this afternoon, there have been multiple zoning and approvals without proper infrastructure in place. He said the City has an outdated traffic plan, an outdated infrastructure plan, an understaffed department including the Fire and Police Departments. He asked if anyone on the Commission was listening to the taxpayers and asked if there is some unseen or undisclosed financial drive to continue to overburden this City. He said growth is inevitable and said this fact has been known for years yet here we are with an understaffing issue in multiple City Departments and said still we continue to approve. He said now onto the important part, Florida Statute 633 is a State Law that governs the operation and implementation of a Fire Department Safety Committee. He said it was discussed and published on social media that a paid investigation of Fire Fighter Duran's death was returned and the City Attorney and the Mayor along with the Fire Chief, contested portions of the report and wanted them redone and removed. He said you get what you pay for and said NIOSH is working on their investigation and the State Fire Marshalls report has been done and contested. He asked where the transparency is and asked why the gag order on City employees. He asked if the City afraid to admit that Mr. Wylam, while a training officer stressed the importance of the sand trailer, yet when promoted, did away with the training officer position. He said its time for answers and to fix this and said the Duran family, the fire department and the taxpayers deserve better and it's time to fire Wylam.

Albert McKimmie, 2603 Golden Gem Road, Apopka, FL 32712 said he looks around him and there's a great deal of sadness that he feels. He said he sees firemen that depend on each other and who have been brothers are now committing suicide and all sorts of things going on and said he can't understand why. He said everyone he's spoken to without fail has said that going back, Chief Wylam was a great fire fighter and asked what has changed and why are people unhappy. He said he provided the Commissioners and the Mayor a document dated August 2, 2017., He said this was documentation by the then Fire Training Officer, Chief Wylam. He said in that, he documented the requirement for training and how it should be carried out and the rotations through the different stations. He said he showed a great appreciation of the need for safety back then and asked why today, as a Chief, has he relinquished the position of a training officer. He asked why the culture in the Fire Department has changed. He said he believes a lot of what has gone wrong in this community is based on budgetary restrictions and it's a culture that the Mayor puts pressure on anyone and everyone.

Commissioner Velazquez said that she wanted to address one thing and that is that she has received emails from Michael Duran and Austin's mom and said one of her concerns is that they feel some frustration on public records requests and said not only do they feel frustrated but the indignity of not being responded to.at times. She said we should provide a response to acknowledge request and either we can fill the request or at this time we cannot fill it. She said she spoke to the City Clerk and understands that she was counseled that she was not to respond and said when someone comes into City Hall and asks for public records we do respond. She said she responded to both Ms. Gail Duran and Mr. Michael Duran to let them know that we were counseled through the executive session that we were not to discuss but if they are contacting our staff or each of us, that we should be responding to them out of respect. She said she's asking the Attorney to just respond, just as we would anyone as not to respond and be silent is a disrespect. Michael stated that to clarify, he cannot ethically directly respond to either Mr. or Mrs. Duran as they are represented by Council and said the rules of the Florida Bar, prohibit him from speaking to them without speaking to their Counsel. He said he has to speak to their attorneys and said he was on the phone with one of their attorneys today to address and take care of an issue. He said there can be no communication, no telephone calls from my office to them directly as he is prohibited. He said he cannot speak for the communications that come from the Clerk's office. **Commissioner Velazquez** said that's fine and said from my understanding they were not asking you directly, rather, they were doing, as they always have done, was to ask for public records through the City Clerk. **Michael** stated that goes between them and the City Clerk. **Commissioner Nesta** asked if she was told not to email back or wait for your response? Commissioner Velazquez said no, counseled. **Michael** said with all due respect, Commissioner Velazquez, he doesn't appreciate her belittling my job by putting his work in quotation marks. He said he requests that respect, considering what his role in regards to the City and to your Council is. He said to his knowledge, there has been communication through the Clerk's office to clarify the oral records request and said we responded today to the final. He stated that we have to compile the records based on what was transmitted orally to the Clerk's office. He said we have been compiling the documents and making sure that these are non-exempt documents to ensure that they're documents consistent with the Public Records laws in the State of Florida. He said to his knowledge, that is where we're at with this. **Commissioner Becker** asked Clerk Bone when she receives a Public Records request, do all of those have to funnel through the Attorneys office and said you have general knowledge of Chapter 119 in terms of what should or shouldn't be divulged under State Law. He said he can certainly appreciate anything that comes across as it relates to the litigation. He said the fact that every single public records request has to go through our Attorneys office is the point that Commissioner Velazquez is making and stated that our Clerk has a skillset that she knows public records law so why wouldn't she have the complete authority to satisfy public records request. He said the Clerk as the Records Custodian can respond to that request. Clerk Bone confirmed, that is correct.

CITY COUNCIL REPORTS

Commissioner Velazquez said she didn't have much but when we had our South Apopka Annexation meeting and said she wanted to comment to the residents who came out and thanked them for coming out. She said she heard a lot of sentiment and some criticism and said she took away a lot from that meeting and hopes that the next one we have will be done in a time frame that is accessible for all who want to attend on a day where the County can attend and said this is a very important part of the consideration.

Commissioner Becker said first Happy Black History Month and said we have a very diverse community that is to be applauded and appreciated., He said second, he has some sample Economic Developer position job descriptions that he would like to hand those off to Mr. Patton. He said he knows that there's a Fire Department Training coming up on the agenda and said it's unfortunate that the timing of us getting this report is less than 24 hours of this meeting and said it's raw to him and he will react to it. He said he'll try and be as respectful as possible with regard to our Attorney's Counsel around the pending litigation but there is a lot in there that is not contested in terms of facilities and condition and said how we communicate about how we'll resolve those issues. He said every budget meeting he asks do we have any critical needs across the departments that would preclude us from making types of spends that are viewed as luxury spends like Camp Wewa. He said then we look at the report and every station house has issues and there are a lot of items that need to be squared away quickly and asked what the plan is. He said the Mayor and staff has had this report for some time and asked what the suggestion. **Mayor Nelson** said let's listen to the Chief. **Commissioner Becker** asked what are your suggestions as you're the leader of the City and this is a department within the City that you manage and said you've seen this report. **Mayor Nelson** said he hasn't read the whole report. **Commissioner Becker** asked if he was kidding and said he doesn't have any other words to say to that.

Commissioner Smith said this is the beginning of Black History Month and said we commend all of the soldiers that have gone on before us that have paved the way for Black History and support all of the activities that will take place during this month. He said in reference to the meeting that was held for the Annexation of South Apopka, he's suggesting that we schedule another meeting date after 6:00 p.m. as the residents suggested. He said he would also like the Council to vote, if it's legal, to vote that we support the process of annexing South Apopka to let them know that we are serious about what we're talking about doing and then put a plan in place in order to make that a reality if that's what the residents of the un-incorporated parts of Apopka would like to do. He said he's read the report and there are some things in there but will wait for the update from the Fire Department to provide their presentation first.

Commissioner Nesta said as we celebrate Black History Month, there are a lot of good events going on in Central Florida and said make sure you're attending those. He said he went to the City of Sanford last Monday to meet with their Economic Developer and their department. He said he attended their City Council meeting and learned a lot and said Sanford is a very similar City to ours regarding age and size both in population and geographically. He said a very productive conversation with their Economic Developer, Tom Tomerlin and suggested that each of you reach out to him as he runs a very successful department. He said he was formerly with Lake Mary and crated an incredible brochure of how he took that City and marketed it. He said they spend $600,000 per year on economic development and said they're going through similar staffing issues and said they have a specific website that shows proposed construction, under construction and things like that that the economic development department created. He said it was very exciting and he recommends reading out. He said something else he learned is that they start their meetings at 7:00 p.m. twice a month but also have a workshop before each meeting and thought that may be a little much for us but perhaps we could do this once a month to shorten our meeting. He said additionally, during those late night meetings, they provide dinner for their staff and thought we could look into this. He said in addition, he spoke with staff about this and would like to get a formalized process in place so there's no ambiguity of how to get an item on the agenda. He said lastly, he said at the last Council report, he asked for the Gannon report and didn't get it until last night and said we need to figure out why that took so long when we had I and said that was unacceptable. .

FIRE DEPARTMENT TRAINING UPDATE

Chief Wylam, Fire Chief thanked every one of you for meeting with he and his staff going over some of the updates for our Safety and Training report. He said first, as we discussed earlier this week, we have 15 new Fire Fighters going through orientation, He said they started on January 17th and will graduate on March 24th and will go on shift on March 26th. He said he has Chief Knapp and Chief Maynard here if you have any questions on that but said orientation is going very well. He said we implemented a driving training program and are having the recruits get oriented with the ambulances and drove around doing different courses. He said our recruitment is going well and we have another project at Seminole State Fire College, where we hope to recruit the additional nine recruits we need to meet our goal. He touched on Station updates and said we've input requisitions in an effort to properly accommodate the new hiring staff such as beds, and gear to make sure we're ready to go on March 26. He said we're doing SOG updates and said we're performing a risk analysis and updating all of the SOG's based on NFPA's; 69-A; Florida Statutes and other applicable industry standards. Mayor Nelson told Chief he needed to dumb it down on some of the acronyms. He stated that SOG is Standard Operating Guidelines. He said we're working on fire fighter fitness and said one of our goals is to become NFPA 1500 compliant, which is a safety compliancy. He said this is a very larger undertaking and said one part of that is being 1583 compliant. He said Engineer, Cody Bennet came to him and wanted to take on this role and said he has completed the IFF Wellness Ambassador Program and Personal Training course and will be working on Nutritional courses. He said he will become our wellness coordinator and will be implementing an annual fitness test to provide general health and fitness.

Commissioner Velazquez thanked him for the time he took to go over all of this safety training that you've put together and said she was very impressed with implementing this with the recruits from the very start. She said her concern is that we have 15 recruits being trained now and will graduate at the end of March and asked about the condition of some of the stations prior to sending them out to stations that are fit for them.

Commissioner Becker said nothing to add and thanked Chief Knapp and Chief Maynard for walking him through the presentation on Monday.
Commissioner Smith said he was impressed with what was presented and looks forward to it being implemented. He said he wants to make sure when we develop the new schedule for the new house that they're partnered with some seasoned fire fighters as well and not a staff of new hires.

Commissioner Nesta said welcome to Chris Candy and said he's glad we stole you from Orlando. He said the conference that Lieutenant Brown and Chief Maynard went to, do we have budgets built in for this. **Chief Wylam** said we have $300 each year for this. **Commissioner Nesta** wanted to make sure we have a specific training program for the new multifamily projects coming up. He said we discussed this and asked him to provide an overview of what we're doing for Mental Health to which Chief responded accordingly and said discretion is used.

CITY ADMINISTRATOR'S REPORT

Edward stated he had nothing to report.

CITY ATTORNEY'S REPORT

Michael stated he had nothing to report.

MAYOR'S REPORT

Mayor Nelson said in going back to the Gannon Report, although he hasn't read the whole report, he spent about 4 hours with the Chief going line by line and said we'll get through the whole report in the next couple of days and you'll have the recommendations. He said one thing about Gannon that's it's interesting that he was willing to help us and our first agreement was $20,000 but is now asking for $150,000 per year for 3 years, which sounds a little out of line but that's what he thinks we should be spending. He said next, regarding the South Apopka Annexation, to Commissioner Smith's request, we will schedule another meeting at 6:00 p.m. and will coordinate with the County and announce a date. He said next, we had the Diversity, Equity and Inclusion meeting yesterday and said it wasn't as well attended at the first one. He said next, we talked about the Kelly Park Interchange Form Based Code Workshop and said it will be a 2 hour presentation and the developers and Pam will go over the report. He said in addition, we have the Armando Borjas Golf Tournament this Saturday at Red Tail and registration starts at 7:00 a.m. for that. He said we discussed that this month is Black History Month and by the end of next week, we should have a booklet to sell which will highlight our 28 Black Leaders throughout the ages and said the AYC and City Staff put this together and will be selling that at City Hall and the Museum.

ADJOURNMENT

With there being no further business, to discuss, the meeting adjourned at 4:54 p.m.

Bryan Nelson, Mayor

Attest: ___________________________________

Susan M. Bone, City Clerk