

Minutes of the City Council Workshop Meeting held on January 24, 2023 at the John H. Bridges Center,

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

CALL TO ORDER - 4:02 p.m.

Mayor Nelson said please stand for the Pledge of Allegiance. He then thanked everyone for coming out today and said special thanks to everyone at the Bridges Center and their staff for helping us put this together. He also thanked our IT Department who was able to get everything set up and providing microphones for everyone. He said we'll get started with the presentations by the different departments, talking about what those services would look like and we'll begin with the Annexation Process itself.

1. Annexation Process
Presented by: Michael Rodriguez

Michael Rodriguez provided a overview of what the legal methods are for annexation pursuant to the Florida Statutes. He said there are various methods in which this can be done including: 1) Voluntary Annexation and 2) Annexation by Municipality. He said there is also a 3RD method of annexation, called Enclave Annexation, however, South Apopka does not meet the criteria for this type of annexation. He then provided a brief summary of the two methods of annexations that may be considered including: 1) **Voluntary Annexation** is a method of annexation that may occur when the owner(s) of real property within an unincorporated area of a county which is contiguous and compact, petitions the governing body to annex into the municipality; and 2) **Annexation by Municipality**, which is the one being contemplated here tonight. He stated that Annexation by Municipality as prescribed by s. 171.0413, F.S., allows that any Municipality may annex an area of contiguous, compact, unincorporated territory in the following manner: (1) The City shall adopt an ordinance proposing to annex an area of contiguous, compact, unincorporated territory and shall be adopted by the City Council, pursuant to s. 166.041, F.S. He stated that prior to the adoption of the annexation ordinance, the City Council shall hold at least two (2) advertised public hearings. (2) In addition, following adoption of ordinance and prior to the ordinance becoming effective, a referendum annexation shall be held and if approved by the referendum, the ordinance shall become effective ten (10) days after the referendum. He said following the final adoption of the ordinance of annexation, by the City Council, the ordinance shall be submitted to a vote of the registered electors of the area proposed to be annexed and said the City Council may also choose to submit the ordinance of annexation to a separate

vote of the registered electors of the City. He said the referendum on annexation shall be called and conducted and the expense thereof paid by the City and shall be held at the next regularly scheduled election, following the final adoption of the ordinance of annexation by the City Council or at a Special Election, called for the purpose of holding the referendum. He said if there is a majority vote against annexation, the ordinance shall not become effective and the area proposed to be annexed, shall not be the subject of an annexation ordinance by the annexing municipality for a period of two (2) years from the date of the referendum on annexation. He said this means if the vote is only put to the residents of South Apopka, and a majority of those residents elect to be annexed, then the annexation ordinance becomes effective. If the vote is placed to the residents of South Apopka, and to the residents of the City of Apopka, under the current corporate boundaries of the City, in order for the annexation ordinance to become effective, both groups must vote in the affirmative for annexation to occur. He stated that before submitting adoption of the ordinance to approve annexation, the City shall prepare a report setting for the plans to provide urban services to the annexed area. He said that's the legal background for annexation and the process for annexation. He said the State does not allow for any other method of annexation and annexation must be consistent with Florida Statutes.

Commissioner Becker said he knows we jumped right into this and said this is a unique situation where we're a sitting City Council from the City of Apopka is meeting in Orange County property and said he's not sure if everybody here in the room even knows who we are and why we're having this conversation. He said if this is the first time seeing us, it might be appropriate of we do a quick round of introductions.

Commissioner Diane Velazquez introduced herself and thanked everyone for coming. She said she was in office from 2014 – 2018, and said she ran for office from 2020 until present.

Commissioner Kyle Becker said he's been on City Council for 6 years now. He said he'll let the others speak for themselves but believes that during all of our campaigns, while running for office, the topic of Annexation of South Apopka has been brought up. He said we met on this on November 29th of last year and said this meeting is for us to hear from you all and what drives you to consider annexing into the City of Apopka.

Mayor Bryan Nelson introduced himself.

Commissioner Alexander Smith introduced himself and said he was elected in 2018 and re-elected in 2022.

Commissioner Nick Nesta introduced himself and said he was elected last year, in March. He said he's excited to be here and we're looking forward to hearing from you in any capacity as to your opinions or thoughts.

2. Annexation Area

Presented by: Jim Hitt

Jim Hitt, Community Development Director said he's lived in Apopka for a little over 30 years. He thanked Orange County for providing all of the statistical data for this meeting. He said Orange County put together a map with the statistical information. He said overall, the subject area is a little over 1,000 acres, of which there are 2,340 parcels that are unincorporated within the defined area. He said there are 2,185 residential units, totaling 714 acres. He said of those, there are 1,036 that have homestead exemptions which equates to a little over 47%. He said Orange County collected a total of \$3,528,000, in 2021 for just the residential properties. He said there are only about 84 acres of commercial and industrial which is only 3% of the taxable value that's in the area. He provided a summary of the land use review with the employment sector and said there are about 2,265 jobs in South Apopka alone. He highlighted the difference between the taxable value for the City and the County which is approximately .1396 mls difference.

3. Police Department

Presented by: Chief McKinley

Chief McKinley said this presentation is a little shorter than my last one and said he took the financial portion out as it was for the benefit of the Commissioners. He said each year we plan a budget for projected growth that is intended for the City to ensure we have the resources available to provide proper law enforcement services to our existing community in a planned development. He addressed some of the challenges the Police Department is currently facing and how those will be affected by any large annexation of any existing built out community. He said in addition to the 13 vacancies we currently have, based on these numbers, the Apopka Police Department will need an additional 14 authorized sworn positions. He said based on the boundaries provided for the area to be annexed, according to the Orange County Planning Department estimates the area covers 1,082 acres or approximately 1.9 square miles. He said the City of Apopka currently covers approximately 35.5 square miles. He said in fiscal year 21-22, the Apopka Police Department responded to a little over 84,000 calls for service, which breaks down to approximately 7,036 calls for service, per month. He said in 2021, the Orange County Sheriff's office responded to 7,600 calls for service in the proposed annexation area of approximately 1.69 square miles. He said the annexation of any large built out community will also take significant planning and additional resources to ensure we're able to meet the needs of our current, planned and proposed annexed community. He said before we can look at the annexation of any large built out community, that will immediately require law enforcement services, we must look at how we're servicing our current community and what it will take to continue to provide our current level of service to our existing residents and our planned development. He said we can accomplish this however it is going to take strategic planning and preparation to accomplish. He said we can accomplish this however it is going to take strategic planning and preparation to accomplish.

4. Fire Department

Presented by: Chief Wylam

Chief Wylam said currently, the municipal limits are 35.5 square miles and under the Orange County contract, for Station #29, we cover an additional 65.19 square miles. additional area and said our total area we cover with the Fire Department is 65.19 square miles. He said that's a population density of 1,616 residents per mile in the City itself and 957 within the Contract area. He said the area to be annexed is approximately 1.69 square miles as Chief McKinley stated, which includes 2,185 built residential units and said an average is 2.72 per household, which equates to approximately 5,943 new residents we'd be adding within the study area. He said in 2021, we ran 9,194 total responses and currently, we're up to 9,800 incidences. He said he worked with Chief Rios of Orange County who provided that the call volume for the study area in South Apopka for 2020-2021 included 1,554 EMS calls; 168 fire calls and 68 miscellaneous calls for a total of 1,808 calls for service per year. He provided the current AFD call volumes and said that with the calls for service in the service area, the study area would become higher than 5 out of 6 of our stations as far as calls for service. He said this is a 16.4% increase in calls for service and said this would warrant an additional fire station and the cost associated with this for a total capital cost of approximately \$4,000,000. He said we'll need to add an additional station based upon the projections. He said this will require significant planning to ensure we meet all the needs of our current community as well as the community being annexed and said prior to the annexation, resources must be in place.

5. Parks and Recreation

Presented by: Radley Williams

Radley Williams, Parks and Rec Director said he'll be brief and said when looking at this, there are 2 locations that would need to be considered. The first, Wheatley Park, is on 18th Street, and consists of approximately 6 acres and offers basketball and tennis courts, a playground, fitness path, picnic area, rental pavilion and sand volley ball courts. He said this property is owned by the Orange County School Board and there's a joint use agreement between the School Board and the County. He said we generated approximate annual maintenance costs based on our current cost for contracted services of about \$44,000 per year, which does not include any capital upgrades. He said the second location is the John H. Bridges Community Center at 445 W. 13th Street and said this facility is operated from the Community to Action Department for the County. He said the property is approximately 14.15 acres, houses a variety of service partnerships and houses a separate Head Start program on property. He said annual maintenance costs were provided by the County at \$237,000 and our estimated annual personnel costs were \$160,000, based on 3 staff and said this does not include full benefits, if they were to be full time staff, which would add 30% to that number.

6. Public Services

Presented by: Deodat Budhu

Deodat Budhu said he'll provide an overview of the Public Services maintenance activities entails and said he'll briefly outline the cost estimates, services and summary. He said the infrastructure based on the study area is 1.69 square miles with 25.84 miles of new roadways; 94 acres of ROW; 14 retention ponds; 10 miles of curb street and approximately 2,200 residential units. He said with respect to the water and sewer and reclaimed water service, our existing utility service area includes this area and said therefore, the annexation area will have no impact to the City of Apopka. He said in terms of Sanitation, the service area is currently being serviced by Orange County and said to take these services over, we will need 1 new residential sanitation truck; 1 claw truck; 1 new rear loader for yard waste pick up; and three operators for a cost of \$270,000. He said in addition, we will need administrative staff to facilitate these services. He said the annual stormwater operation costs are estimated at \$100,000 to preform these services on a routine basis. He said currently Orange County has an MSBU retention pond and street lights and said they've set them up. If we were to annex, we will have to explore those options.

7. Fiscal Forecast

Presented by: Blanche Sherman

Blanche Sherman said she's the new Finance Director for the City of Apopka and provided a fiscal forecast. She said the taxable values from each one of the classes for a total of \$225,000,000 in taxable value. She said based on that and what the millage rate is for Orange County, 4.0480, that generates about \$913,000 annually. She said in compared to the City of Apopka millage rate of 4.1876, she said that would generate about \$944,000 in annual property tax. She said overall, factoring in some additional sales tax that may be generated in this area, we're looking at additional revenue to the City of Apopka of about \$1,200,000. She provided a breakdown of operating costs and said Police and Fire would be about \$2,126,000 in personnel costs annually and said additional operating costs would be about \$100,000. She said in addition to that, there will be additional vehicles and equipment, we need to budget an additional \$5,100,000. She said adding the additional operating costs for Public Services, we're only looking at an additional \$600,000 and said the balance would come from the fees generated. She said with Parks and Rec, we're looking at an additional \$398,000 for this facility and said the Wheatly Park, an additional \$44,000 to staff and maintain those facilities. She said overall, from an operating standpoint, we're looking at a loss of \$2,000,000. She said that does not include the capital loss and if we finance that, the debt that we have to pay.

PUBLIC COMMENT:

Lori Tarver from the public, said most of what she heard was dealing with numbers and asked what the incentives are for the residents of South Apopka. She said she was born and raised here and the overall, the community are elderly and are on fixed income and said with the cost of living now, it's a bad time to increase property taxes and the timing is wrong. She would like to hear what we plan to do for the residents of South Apopka, and said she didn't hear anything about helping the youth but what she wants to know is what we're going to do for the residents. She said her second question is why now?

Mayor Nelson said that's a pretty easy answer and said one of Commissioner Smith's main platforms he ran on during the election was looking at the Annexation of South Apopka. **Commissioner Velazquez** said she would like to make a difference of opinion and said each of us ran on a platform to consider South Apopka for Annexation.

Commissioner Becker said this shouldn't be the City pushing this initiative but should be a true desire from the residents who live in the unincorporated section of Orange County that really see value in coming to our City. He said there have been a lot of discussions led around annexation, and said he's heard City residents and County residents talk about the value of this. He said we want to hear what you think the value is to continue to explore this as we really want to understand what the current landscape is for the unincorporated section. **Lori** said she can only speak for herself and at this point, she's totally against it.

An anonymous speaker asked is the City in favor of this as all she heard was negativity. She said we're in South Apopka and from her house, she sees all of this growth and building and asked how we're supporting this new growth. She said if you're not here to support us and annex us, stop this now. **Commissioner Nesta** said the reason he's here is to hear from you and said he's here to support you in whatever capacity you would want and said he has no preconceived agenda with this. He said there are benefits and said from what he's heard there's an intrinsic value to be a part of the City. He said the resident's shop within the City so why not have a voting right as well. He's here as a blank slate and will support what the residents want.

Leroy Bell, said he's a long term resident of Apopka and South Apopka. He said in defense of Commissioner Smith, he has had in his heart to annex South Apopka as he is a product of South Apopka. He said when we start talking about Parks and Recreation, if annexation happens, why are we talking about Wheatley or John Bridges. He said if we become citizens of the City, we would be able to share in the amenities of the City. He said if these 2, 200 people, didn't shop in the City of Apopka, what would that look like for the economy of Apopka. He said when he ran for City Council, all of you asked how I could change South Apopka and what could I do differently. He said its simple, do in South Apopka what you do in North Apopka. He said we have a pretty big crowd here today but we should have a bigger crowd than this but said the Mayor can always find a way to disenfranchise folks. He said if you look on 13th Street, you see on the John Bridges sign a notice of the Community Meeting and a mention of it on our website. He said not a lot of people go on the website and said we should've put a notice in the water bill. He said sweep around your front door before you sweep down here.

Ronald Beckett said all he's heard is negativity when it comes to South Apopka. He said do you understand that the people from South Apopka are spending money in Apopka and said if it wasn't from the people from South Apopka, there wouldn't be an Apopka and said the toil and labor that we did to make this a great place to live. He said he feels that this is more political than anything and said that you're all thinking about the votes. He said every time it comes to annexation, you all have a problem. He said you want to tell us what we don't want because we're not here. He said the reason we're not here is that you don't invite us and if you do, you pick a weird time. He said how can

you expect people to come here and represent themselves at 4:00 p.m.? He said people have to go to work and feed their families and if you want the truth, you should've done this meeting at 6:00 p.m. He said you don't want our vote. He said how can you build all around us and tell us we don't belong when we made Apopka. He said we're tired of being overlooked and said we want you all to do something. He said don't let this become political. **Commissioner Becker** said if he's come across as negative on this topic, that is certainly not his intent on this matter for the past few years. He said we shouldn't be talking dollars and cents at this point at this point and should be all about what will be a positive outcome for the people impacted on this piece of business that we're talking about. He said we just need to hear what people are seeing if we consider annexation. **Ronald** said you all assume that we want to be annexed and said but no one has asked what we, the public wants. He said just ask us what we want. **Commissioner Velazquez** said you've given us a challenge to do that. She said over the years, she has spoken to many of the residents who live in South Apopka and said the one thing people want to know is when. She said you're correct about the time and said 4:00 p.m. is inconvenient because in South Apopka there are a lot of working families and they don't get home until 6:00 p.m. so we can do this another time and will continue to do this until we get this right. She said you've challenged us tonight and we will start asking these questions as to what the people want.

Clarence Stanley said he is South Apopka and said he's a product of every elderly in here and said he's been around 41 years and it hasn't changed. He asked who was in charge of putting this meeting together to which Mayor Nelson stated he was. Mr. Stanley then asked why we didn't reach out to Commissioner Christine Moore and Mayor Jerry Demmings and said the County Officials should be sitting right up there with you as they need to be in the hot seat as well. He said the County hasn't been doing what they should and am not going to put this all on you. He asked Christine Moore to come up front as the people don't know who you are and need to see who you are. He said the infrastructure is not what where it's supposed to be and said this annexation is just a taxing dollar land grab. He said we want to see some results and said Christine Moore needs to hold herself accountable and her BOCC and said give us what we desire. He said speaking for the people, he's sick and tired of this.

Albert McKimmie said he sympathizes with your position tonight however if we're not based on correct numbers, we're going to have a problem. He said the numbers presented are the same from November and are already out of date. He said while he does sympathize with these people but sometimes wonders if the people are better off where they are.

Marina Johnson said she moved here in 2016 and wasn't born and raised here. She said when we moved here, we believed that we were giving our kids a better life here in the City. She said since we've been here, there has been the City of Clermont; City of Ocoee and the City of Winter Garden have literally grown with business. She said she's not sure about this South Apopka Annexation and said she's tried to research and a lot of the information goes over her head. She said she's trying to understand how everything is being built in North Apopka but South Apopka is being neglected. She said we're going to the City of Ocoee to shop as she's not going all the way to North Apopka to shop. She said everywhere else is growing but South Apopka and wants to know why. She said she's taking her son to school all the way up in North Apopka to Wolf Lake and said there was a new middle school built there but it doesn't make sense that the people

of South Apopka have to drive their kids to North Apopka just to go to school. She said she's spoken to the area Superintendent and her Assistant and said it doesn't make sense. She said we need more retail here in South Apopka.

Ms. Yvonne Stolar said she does not want to annex into the City of Apopka and said you don't know anything.

Commissioner Christine Moore said we do have quite a bit of staff in the room including Jason Reynolds, head of our neighborhood services department is here as well as others. She said thank you for holding this meeting and said we are committed if this process is moving forward or if you so desire to have some meetings held from the County's prospective as well with Mayor Demmings here and staff to address your concerns and what this process looks like from our prospective. She said it's a lengthy process and there are many steps involved and said we will be here as well to provide opportunities for people to speak. She said from her prospective as your Commissioner, she doesn't want to see you go. She said it's been her honor and privilege to serve you and knows Mayor Demmings feels the same way. She said we want to hear from you and said explore being in the City versus the County and said it's a heartfelt decision and said there's a lot of pain and history in this decision but said we're here to share everything we have with you so that you can make a good decision.,

Sylvester Smith said he's been here since 1965 and said all of the things that have been brought up and talked about have been here since 1965. He said we already know that in Apopka, once you cross the railroad tracks, you may as well say you're in South Apopka. He said you just put a new field up at Bakers Field, and said the way the parking lot is, the cars stick out in the road. He said whatever you do in North Apopka, you need to do the same in South Apopka. He said he knows if we're treated like we are up there, he knows what will happen over here and said it's political and it's a land grab.

Cornelia Winchester said she's been here since 1970 and her parents owned a house off of 13th Street. She said there have been a lot of issues with this and said when you start building a house, you start from the foundation and said whether you know it or not, South Apopka is the foundation of Apopka. She said if the foundation is not steady, the outside is not steady and said you neglecting the foundation will tear down the outside. She said people see it. She said our generations are being handed down and it's us now and said you're going to hear from us.

Sylvester Hall said it's beautiful to see this crowd out here. He said the Mayor has said no one cares because no one shows up to the City Council meetings. He addressed the crowd and said you all need to show up like you are now in order for permanent change to happen, you have to keep showing up and showing out. He said if you're tired of being treated like this, now is the time to rise up and say no more. He said as Nelson Mandela said, poverty is man-made. He said go back and read your history because the this was designated from the City that the blacks would be over here and the whites would be over there. He said that's why it's like this. He said you have the nerve to ask us what we want. He said we have to be that change that we're talking about, not them. He said there's so much racism and hate that's going on in our country now it's sad and we're afraid to talk about this. He said we can you can sit here and take it or you can rise up. He said what are we going to do about it. He said it's time for us to love each other, black or white and said there's no reason that South Apopka to being the way it is. He said the board may have inherited this but said if you know better, you should do better. He urged the people to come out and get involved. He said in our hearts, lets do what's right.

Francina Boykin said 37 years ago, there was an annexation study done by the City. She said in 1984 and the City of Orlando was wanting to consolidate the entire Orange County. She said the late Mayor, John Lane in his infinite wisdom didn't want to lose the City to a metropolitan area. She said therefore, there were 2 committees formed of citizens of Orange County and citizens of Apopka. She said this proposal included the entire Orange County region of Apopka which so happened to include the carved out area of South Apopka. She provided a history of the properties owned by LT Hunt, a real estate mogul, who provided and sold land to the folks in what is now called South Apopka. She said as we're here today, we speak of annexation and said we got the figures of what is proposed but said in reality this won't happen anytime soon as in reality, there is no infrastructure and who will pick up that tab. She said her mother and family came here in the early 40's and her grandfather bought property from Mr. Hunt in 1949. She said as citizens of this neighborhood, she was raised in Dolly Quarters, she said she feels overwhelmed now and feels like she's being rooted out and receives calls asking if she wants to sell her house.

CITY COUNCIL COMMENTS

Commissioner Nesta said thank you to everyone for being here and for speaking up and said it's highly appreciated. He said the biggest thing he's hears is that politicians, need to do what we said we're going to do and show up, do better and said he thinks that is where we start. He said in moving forward, he'll show up in the community and listen and help where he can.

Commissioner Smith thanked everyone for attending and said as referenced earlier, when he was asked 5 years ago, if it cost \$10,000,000 to annex South Apopka would he do it and he said yes then and still says yes today as you can't put a price on human life. He said in 1937, when the ordinance was passed that blacks couldn't live north of the railroad tracks, and whites couldn't live south of the railroad tracks, it was wrong then and is still wrong today. He said in 1968, they passed a referendum to repeal that ordinance, but said it was only on paper. He said we have to understand how this area got to the way it is today and it's because, individuals that lived in this area were agricultural workers. He said they worked in the greenhouses, they worked in the nurseries and that's how Apopka maintained the name as the Foliage Capital of the World. He said in those days, if you worked in agriculture, you didn't have to pay social security tax. He said we know now that your social security is based on your work history. He said he grew up 2 blocks from here on 15th Street and said we didn't have an indoor toilet. He said here we are in 2023 and it's time for a change and said annexation is a way to make that happen. He said our departments have done their homework and provided the numbers so now we need to put a strategic plan in place. He said this may take 5 years to accomplish but said we need to start now and not wait another 5 years to start on this. He said when he was in 9th grade, his former teacher, former Commissioner Billie Dean, took him to his first City Council meeting. He said at that point, his goal was to be able to sit as a Commissioner however had he continued living on 15th Street and not moved to 12th Street and then to 5th Street, he would not be a City Commissioner today. He said he believes there are young men and women here today that also have that dream and said it's the right thing to do.

Commissioner Becker said we're all politicians up here and everything that we say will be perceived in one way or another as being political. He said having this conversation when we're not running for political office, won't mitigate the concerns that this is a political conversation but having it at this time of year, when we're not running for office is more appropriate. He said he's a transplant but grew up in Central Florida but he serves Apopka to make a better life for his family, like you and yours. He said while he appreciates the history Ms. Boykin shared, what we

can't do is let a referendum 37 years ago be the mandate by which all generations future have to live by. He said it's not to say that it has to happen but said to Commissioner Smith's point, there have been enough of us up here that have shown interest in this issue. He said yes, the numbers are the numbers but said at the end of the day, it will be the people within the unincorporated area that will ultimately have that say and are the ones that will go to the voter box and fill out that ballot. He said there are things we can put in place as a sitting body but at the end of the day, it is the people who have to decide.

Commissioner Velazquez said thank you to each and every one of you for coming out and said this is something we were hoping for with this being the second workshop and said we're here for you. She said when she was elected back in 2014, it was very important to her to go out and see where was the Hispanic community and where was the Black community and said she did go out and has gotten to meet many of you. She said it was always her desire to bring South Apopka into the City and said with this new Commission, she feels like we are moving forward. She said to the gentlemen that challenged us, he's right and we do need to get out into the community and need to hear from the people. She said this is a process and a lot of the things she's heard make sense. She said we have a City that's growing on the North side of Apopka and we're ready to accommodate them with a level of service and yet we have an existing community that wants to become a part of the City and we're providing obstacles. She appreciates all of your comments and even your criticisms. She said please let us know what you want and said we are here.

Mayor Nelson thanked Nicole Palmer for opening up this facility and for putting the information on the sign so that everyone had the opportunity to be a part of this discussion. He said we had a much better turnout than our last meeting where we only had 2 people speak so this was a much better representation. He said he also wanted to thank our staff and said there was a lot of effort spent on this point. He said we have to be objective about this and said, yes, it is about the numbers but we're not tilting the scale and numbers are what they are. He said we as a body need to have numbers to be able to justify our decisions not only for the annexation piece in South Apopka but also for North Apopka. He said obviously, both have to vote in favor of this annexation and said both decisions have to be in the affirmative for this to work. He said while we're going through this process, reach out to Commissioner Moore and see how the County can help. He thanked everyone for coming out and said we appreciate all of your input and look forward to a rigorous debate moving forward.

ADJOURNMENT - There being no further business the meeting adjourned at 6:27 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk