

CITY OF APOPKA

Minutes of the City Council regular meeting held on January 5, 2022 at 1:30 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: Teresa Sargent – The Apopka Chief

INVOCATION/PLEDGE: Commissioner Bankson provided the Invocation and led in the Pledge of Allegiance. He then cited the fact of the day

PRESENTATION OF COLORS - APOPKA COLOR GUARD

FACT OF THE DAY: January 7, 1789 was the date set by Congress for states to choose electors for the country's first-ever presidential election. A month later, on February 4, George Washington was elected president by state electors as part of the Electoral College System and sworn into office on April 30, 1789.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of December 15, 2021
2. City Council Workshop Minutes of December 15, 2021

Mayor Nelson said there were a couple of changes that he had to the minutes and said he asked Susan to add them and provide you all with a redline so you can see the updated portion. He said if you'd like, we can go on and do the Agenda Review and Public Comment and come back to this. He said the only changes were to add content and no content was removed.

Hearing none, he asked for a motion to approve the two (2) sets of meeting minutes as amended.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve the regular as amended. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

AGENDA REVIEW

Edward Bass stated that there are no changes to the Agenda.

PUBLIC COMMENT PERIOD

Leroy Bell, 2308 Blue Meadows Court, Apopka, FL, said at the December 15th City Council Meeting, the Mayor read a Proclamation and said he would like to know from the City Attorney, if the Proclamation is an Executive Order. He said if you look at the exit polls, they show that the majority of the lower and moderate income people, especially the elderly, vote on that day. He said if early voting is being moved, it should be something that the City Council would consider by a full vote before the City Council. He said he doesn't think it is fair to the people, especially if you want to say there's not enough money. He said the City has found money for different things at different places. He said we should let the people exercise their constitutional right to vote early. He said he'd like to know what we're going to do about it.

Michael Rodriguez stated that the voting is run by the Supervisor of Elections and not by the City of Apopka. He said in the Special Election Run-Off we had for the Special Election in 2020, the early voting was held at the SOE office and there were no precincts specified within the City limits for early voting. He said since voting is handled by the SOE, this is a matter to be taken up with the SOE office as they're the ones that administer the City's Election as well as all City Elections in Orange County.

Mr. Bell said he called the SOE and said he spoke with Bill Cowles who said that Early Voting wasn't a decision made by him, and said it was a decision made by the City of Apopka. He said we can find money for other things but when it comes to people who look like me, we can't let them exercise their constitutional rights. He said let the people vote.

Commissioner Becker asked whose decision is it to which Mayor Nelson said it would be City Council and said he'll be happy to take it up.

Michael said if the City desires to work with the SOE to establish a location within the City limits, we could try to attempt to do such an agreement. He said he doesn't know if other Cities have worked with the SOE.

Commissioner Becker said we've run early voting locations at the VFW in past elections and said that seems like an obvious spot. He said he knows that in the past, it's been the same fashion where we've had people having to go down to Orlando to early vote but if we want to encourage the most people to be a part of this civic process, it doesn't seem logical for us to have an early voting period for us to have to go down to Orlando. He said he's in favor of having an early voting location within the City of Apopka.

Michael said that's your call to make.

Mayor Nelson said he'll reach out to the SOE and asked Michael to look into the legality of this as we've already set the early voting at Bill Cowles office.

Michael said this was by Proclamation and as long as we meet the statutory notice requirements to properly notify of the change in location. He said the times won't change.

Commissioner Bankson asked if it was just the place or is it the dates as well.

Mayor Nelson said we'll bring this back at the next City Council meeting. He said we'll check into the legal side of this and providing we're in good standing, we can do a budget amendment.

Commissioner Smith said that 4 years ago when we had the elections and the early voting was downtown, he said he asked the SOE about this. He said the only time they do early voting outside of that is when there are other individuals on the ballot such as a General Election and said we piggy-backed off that.

Michael Cooper, 700 Gem Commerce Court, Apopka, FL., said 20 years ago, he started building in the City. He said he's built \$80 million dollars-worth of work from Ocoee-Apopka Road up to US 441. He said we helped the South side of Apopka and cleaned it all the way up to the rail-road tracks. He said Bradshaw Road right now is a disgrace and said there's trash on both sides of the road and the lift station stinks. He said there's no excuse and said he told them 10 years ago to put char-coal filters on those things and get them cleaned up so people don't have to smell the odor. He said the landscaping around the lift station should've been done years ago and said the curtains that protect it are falling down. He said our Code Enforcement is probably the worst Code Enforcement and said he doesn't know why they're getting paid. He said he knows we're spending all of the money in West Apopka as that's where the growth is but what about the downtown area. He said the landscaping around the parkways is horrible. He said he had Commissioner Velazquez out and showed her 2nd Street and said that's a disaster too. He said this is downtown and people need to clean it up! He asked when the last time you guys all drove around the City of Apopka to look at downtown. He said all you do is fix the potholes on 2nd Street but it needs to be reworked, repaved. He said 1st Street is just as bad and said he doesn't know whose handling our Streets but said they don't do a very good job. He said for 10 years, he's asked for lights all the way down to Marshall Lake Road and to bring the road up to FDOT standards. He said in the newspaper, you mentioned all of the roads that will be fixed but said 1st Street, 2nd Street, Marshall Lake weren't discussed. He said you guys are getting hundreds of thousands of dollars-worth of taxes a year. He said we've paid over a million and a half in impact fees for roads and said we haven't received anything. He said this hasn't been just yours Mayor and said it goes back to Mayor Land but said he redid Bradshaw Road up to our park. He said as for Kilsheimer, he was a disaster and said we haven't had any good fortunes either. . He said he's asked us to put some lights in and to do something with Marshall Lake but we haven't done anything yet. He said he has \$7 million dollars-worth of work going at the rail-road track right now on 3 projects. He said right

across the street the homeless people are sitting there. He said he asked months ago to have this cleaned up and said he was told by one of our officials that they knew someone at CSX and that they would take care of this but they're still there. He said he doesn't know why we don't do something about the homeless people and said give them 30 days to get out and come in and clean the area up. He said 10 years ago, he offered to build the homeless a house so they can have a place to live but was told we didn't want them in the City. He said you all should go around the town and look to see what needs to be done to clean this up.

Commissioner Becker said he wanted to address this and said he has and he did and said during budget workshop, that was construed as grandstanding. He said you bring valid points and there are areas in the City that are very depressed and they don't need to be.

Mr. Cooper said you may be right but said he's talked about this and said it's not just you, it's not just Mayor or any of you other people but said it's because you don't get anything done. He said when it comes to landscaping and cleaning things up, he does a good job at doing it. He said he doesn't necessarily go by exactly what's been approved by DRC but said he makes it better.

Commissioner Velazquez thanked Mr. Cooper for coming in and said when she took that ride with Debbie, she made a list and provided the list of concerns. She said she's happy he came in and voiced this.

Edward said he'd like to address a few of these items as he's worked with Mr. Cooper on many occasions and said the staff has as well. He said we have been looking at Marshall Lake for lights and said we did change all of the lights on Bradshaw to LED lights so that's a lot nicer now as it's lit up a lot better at night. He said if you recall, 2nd Street came up on our study and will be done in our 2nd year. He said we did a 2 year review with our Public Works Director, who is an expert in road improvements so we have someone on staff now that's really good with that. He said 2nd Street is in the plan to be resurfaced next year in the 2023 budget so it's on the list. He said we had some flooding issues in that area that needed to be addressed first and said that project is a lot more expensive as we're first fixing the flooding issues. He said we have been working on these issues.

Mayor Nelson said that he knows that our Code Enforcement has generated over \$80,000 in violations in 2021 and said they're out there hustling.

Edward said also, you as a Council have added another Code Enforcement Officer as you recall in this budget so we're putting more resources into Code Enforcement.

****Mayor Nelson asked if we can go back to the amended minutes from December 15, 2021.****

CONSENT (Action Item)

1. Approve the Apopka 429 - Plat
2. Authorize the execution of piggyback contracts for fiscal year 2022.

Mayor Nelson asked if anyone needed to pull any of the items or had any questions. Hearing none, he asked for a motion to approve the two (2) items on consent agenda as read.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez, to approve the two (2) items on consent, as read. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Approve the Addison Farms Multifamily - Major Development Plan
Owner: Nadena Watson Hooper Revocable Trust and David Earl Hooper Revocable Trust
Applicant: Jennifer Stickler, P.E., Kimley Horn and Associates, Inc
Location: 2828 Hooper Farms Road
Project: 17.48 +/- acres; 262 multifamily units (14.98 du/ac)
Project Manager: Bobby Howell

Bobby Howell, Planning Manager said the applicant is requesting approval of a Major Development Plan for a 262 unit apartment complex located at 22828 Hooper Farms Road. He said the property is 17.48 acres in size and is accessed by one gated access point that is located on Binion Road and one access point on Hooper Farms Road. He said turn lanes are provided leading into the site. He said as a part of the project improvements, the applicant has agreed to construct a 230' NB right turn lane leading from Harmon Road to S. Binion Road. He said the applicant is proposing to construct a 12' wide multipurpose trail along S. Binion Road which will connect to the existing 12' wide multi-purpose trail that is currently along S. Binion Road, along the Vistas at Waters Edge Subdivision. He said a total of 472 parking spaces are provided on site, while a total of 346 required to be provided for apartment use. He said of those, 9 are accessible parking spaces and said there will be 14 short term and 66 long term bicycle parking spaces provided on site. He said 10% of the site is required to be reserved as open space however, the applicant is reserving 5.45 acres or 32% for open space. He said a clubhouse and a pool will be provided in addition to the open space.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item.

Commissioner Velazquez asked if this is the road that's being improved or widened to which Bobby stated the development is located off of S. Binion Road to the N. of the Vistas at Waters Edge development.

Commissioner Bankson said he had preformed the funeral for Mr. Hooper, David's father and said they made a donation to our Church. He asked Michael whether since he'll be voting on this, if it's an issue. He said it had nothing to do with this.

Michael said you don't have a financial interest in the decision that's being made as it relates to the property. He said it's tenuous at best and there's no conflict of interest as you don't have an interest in the property that's the subject matter before you.

Hearing no other questions, Mayor Nelson asked for a motion to approve the Addison Farms Multifamily - Major Development Plan

MOTION by Commissioner Smith and seconded by Commissioner Becker to approve the Addison Farms Multifamily - Major Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

2. Approve the Settlement Agreement between Naram Global, Inc. v. City of Apopka in furtherance of Florida Land Use and Environmental Dispute Resolution Act. Presented by: Michael Rodriguez

Michael Rodriguez, City Attorney, said the settlement agreement before you are related to, as you recall, several months ago was presented to the Planning Commission for a Special Exception to operated a tobacco shop within the downtown zoning district. He said the decision of the Planning Commission was to approve the Special Exception and as part of the rendition letter, there were conditions imposed which restricted the sale of the items to prohibit vaping, vape related products and Kratom related products. He said the applicant then appealed the matter to the City Council and said you heard the matter before you and said on a 3-2 vote, you affirmed the decision of the Planning Commission. He said the applicant subsequently decided to proceed forward with appealing the City's actions under the Florida Land Use and Environmental Dispute Resolution Act ("Act"). . He said that statutory act provides for an alternate dispute resolution to try and resolve the matter without it going forward in the Courts through litigation. He said the first step under the Act is that the parties have to conduct Mediation to see if they can come up with a settlement to the matter. He said the City and the Applicant conducted a Mediation on December 16, 2021 in which at the Mediation, the parties entered into a Settlement Agreement.

He said as it is with any Florida Governmental Entity settled in a Mediation, the local government cannot settle the matter on the spot. This is a conditional settlement that has to be brought forward to the City Council for approval at an Open

Sunshine Meeting, which is what is before you today. He said the parties agreed to amend the language in the Land Development Code to both clarify and bring the City's language consistent with the statutory defined term for the items that were in question. He said the parties agreed that the best way to resolve this is to clarify the definition from this point forward in a way that it would resolve the situation but also clarify it for any applicants going forward. He said what the parties and staff agreed upon is as a part of the settlement agreement, that the City would amend their LDC to bring its definition of tobacco in line with the statutory definition. Further, when those items are amended by the legislature, it automatically amends our LDC, so whatever the State definition is now and as may be amended from time to time, will cross reference to what the State's definition is for these products and we'll be consistent. He said one of the conditions that came up at the staff level was the prohibition of the sale of Kratom. He said the issue with Kratom is that it's not regulated by the State at all and doesn't fall within the tobacco regulations and therefore, it's an unregulated commercial substance, which in order for the City to prohibit the sale of this product, we would have to pass an Ordinance to regulate such a product. He said he didn't know of any local government that has gone that far to regulate specific products and said those are products that are sold and are not FDA regulated or approved.

Commissioner Velazquez said in layman terms, what can they sell now?

Michael stated they can sell those products regulated by the State and said those vaping products, if they're nicotine delivery dispensing devices, they're regulated by the State and he would be able to sell those. He said likewise, any tobacco shops in the City would now also be able to sell those devices, providing they meet the State definition for what they are. He said he just found today out that this item was taken off of Consent and said he advised their Counsel that if there was an issue and we were taking it off of Consent, he would let them know so they can be here. He said he's advocating along side of the applicant for the recommendation of the approval of the settlement agreement as negotiated and agreed upon by both parties.

Commissioner Bankson said he has great concerns for what this is doing and where it's steering us. He asked if this is hamstringing us from steering the character of the nature of our City and what we want to see in development. He read his thoughts regarding his concerns. He said he stands in favor of the Planning Commissions condition. He said there's a reason our Planning Commission, which represents the Citizens of our community made their decision and said he believes it is reflective of the desired character and ambiance the community desires without being punitive. He said if we're in error, he'd be in favor of the negotiating of recompensing laws than in changing the ordinance which opens the door to other things negative to our downtown development and City image and the direction which includes a family friendly atmosphere. He said this in no way personal toward the applicant and said he's discussed these concerns with him. He said his main concern is the vaping and the terrible negative impact it has on our children. He said he's in favor of holding

our current ordinance and seeking other options for remedy for and with Narem Global.

Michael stated that tobacco shops remain as a special exception use in the MUD District so any future applicant that comes in wanting to bring in this use in the MUD is still going to have to undergo the same special exception use and meet the same standards that the special exception ordinance provides. He said those standards are objective and remain so. He said the definition, while amended, does not go any further meaning, these are now uses allowed by right in this zoning district and said they remain special exception uses subject to scrutiny.

Commissioner Becker said we've gotten to this point, not necessarily that we've had the authority as a Council, to overturn the decision of whether or not it was a valid business or not within the district as the Planning Commission, in their sole authority, had the ability to approve or deny the special exception, which in their case, they approved it. He said he argued in the appeal process that there was a level of specificity in that hearing, that he didn't see, which is why he voted in the decent in the appeal. He said we're here today to contemplate whether or not through this settlement and by extension, through any revisions to the LDC, decide whether we want to follow the State in terms of the definition of tobacco, tobacco shop and what can be sold in these locations.

Mayor Nelson said depending on the way this vote goes, since the applicant doesn't have legal representation here, we may want to table this and bring it back. He said we almost needs to do this anyway and said he has some concerns.

Michael said the issue is basically the Settlement Agreement as presented to you and whether you approve it or deny the agreement. He said the applicants here and said that what he's stating, he believes this Council will say the same thing. He said that both the applicant and I are presenting to the Council, the recommendation to approve the Settlement Agreement.

Mayor Nelson said he understands that but ultimately, we need 3 affirmative votes and asked if we don't get 3 affirmative votes, would we then be able to table this until the next meeting.

Michael said because we're not in litigation, we can always come back with an agreement that the two parties enter into. He said if we don't get an approval tonight, we're back before the Magistrate. He said we could also table this decision and allow his Counsel to make a presentation as well.

Commissioner Becker said you're all on level playing field so how would that differ from what you just told us.

Michael said that's what he stated and said right now, we're not in an adversarial position to the applicant's Counsel and said it will delay the inevitable by 2 weeks. He said the timeframe we're looking at, if we got this approved, was to bring it before the February Planning Commission meeting and before the City Council in March for approval to change the LDC. He said because this is an approval of a Settlement Agreement and that agreement is now in flux, because the applicant is represented by Counsel, and this is a matter that the City Attorney and the applicants counsel negotiated, as part of the mediation, he told opposing Council that he would call him so he can be present. He said he didn't find out until today that this was removed from Consent and did not have the opportunity to call opposing Counsel.

Mayor Nelson asked if anyone else had any questions or anyone from the public wishes to speak on this item. Hearing none, he asked for a motion to approve the Settlement Agreement between Naram Global, Inc. v. City of Apopka in furtherance of Florida Land Use and Environmental Dispute Resolution Act.

MOTION by Commissioner Becker and seconded by Commissioner Smith to approve the Settlement Agreement between Naram Global, Inc. v. City of Apopka in furtherance of Florida Land Use and Environmental Dispute Resolution Act. Motion carried 3-2 with Commissioners Becker, Smith & Velazquez voting aye and Mayor Nelson, and Commissioner Bankson voting nay.

3. Approve and authorize the City Administrator to execute an agreement to transfer City Parcel Unit 162 to the Orlando Apopka Airport Association, Inc.
Presented by: Edward Bass

Edward Bass said the item before you this afternoon is to transfer a City Parcel Unit 162 to the Orlando Apopka Airport Association. He said if you recall, in June of 2011, the Orlando Apopka Airport Association and the City entered into an easement agreement and said there's a small strip between the rail-road tracks and the actual runway. He said in that agreement, it was considered an obstacle free zone. He said the City owns that parcel but couldn't do anything with it and said it was an easement for the airport as you nothing can be built on it. He said for further clarification, there was also clean up on that parcel and we had an agreement with FDEP on that parcel for some petroleum clean up. He said as of this past December, we received the completion Order that everything is cleaned up and good. He said today what we're presenting is to transfer that parcel to the Association. He said in return for that portion, the City has asked and if you recall, when we sold the Airport, the City had asked the HOA that once we have this all cleaned up, we'll look to transfer that parcel but in exchange for that, we would like those first 15 parking spaces to be able to have exclusive license agreements and rights so that whoever has the FBO, can have these. He said there was a license transfer on the agreement when you sold the Airport that once we made this transfer, that those 15

spaces would go to that new owner. He said this was an easement that we couldn't do anything with and we were paying HOA fees on it as an owner so we went back and told them that we want our assessments back and as a part of this transfer, they've elected to refund this. He said this amount is a little over \$10,000. He said we're looking for an approval and to authorize the City Administrator to execute the agreement and prepare this transfer with the HOA and complete the transfer of the license for the parking spaces to the new owners of the FBO.

Mayor Nelson asked if anyone had any questions regarding this matter. Hearing none, he asked for a motion to approve and authorize the City Administrator to execute an agreement to transfer City Parcel Unit 162 to the Orlando Apopka Airport Association, Inc.

MOTION by Commissioner Bankson and seconded by Commissioner Becker to approve and authorize the City Administrator to execute an agreement to transfer City Parcel Unit 162 to the Orlando Apopka Airport Association, Inc. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Resolution No. 2022-01 - FY21/22 Budget Amendment
Presented by: Gladymir Ortega

Gladymir Ortega, Finance Director said Resolution No. 2022-01 is a request to amend the budget for the Fiscal Year beginning October 1, 2021 and ending on September 30, 2022. She said the total amendment is for \$150,000 and said this is for the Apopka Resource Center and said the funding is from the General Fund – Duke Energy Fund. She said this amendment appropriates funding from the Apopka Resource Center project. She said over the last few months, the City Council was provided information as requested from the representatives from the Apopka Resource Center. She said at the November 17, 2021 CC Meeting, a plan was presented to the City Council for consideration and review. She said there will be a formal proposal agreement related to the Apopka Resource Center and said that will come back to the City Council for approval at a later time. She said this is just to appropriate the \$150,000 budget amendment for this.

Commissioner Becker said he had a couple of comments on this one and said this is strange and seems backwards to what we've normally done and said we would normally do the appropriations after we approve the business.

Edward said Commissioner, what we're doing is marking this dollar and said it was designated as you said before. He said this is the last piece and said there's one small piece for the Connolly house and said we're doing the amendment to mark that \$150,000 piece. He said keep in mind, this is the appropriation and will not be

spent until you have an agreement or an approval for this and said it does not mean we're going to spend the money.

Commissioner Becker said it seems like we're doing two pieces of business for one item and said why wouldn't this all be under one Agenda. He said we received information at the last public hearing that we discussed the Apopka Resource Center and said at that time, I asked to meet with their board however, to date, he's received no such invitation and said if they want my vote, that's still an open invite.

Edward stated that as mentioned, this is to put the \$150,000 on the books so we have it secured and said it's the last piece of the Duke Energy dollars besides the design on the Connolly house which we'll be bringing forward as well. He said the budget amendment puts the money in appropriations however the dollars will not be spent without City Council approval.

Commissioner Velazquez said she knows she spoke to you about this and I remember it was earmarked and said they did present this on November 17th. She said she was hoping that they would reach out to us so we can meet individually with them on the board. She said she read the information but it's not a real mission statement and said she has no idea how they're going to start this program. She said she wanted to sit with them as a board but said she didn't know who their board members are. She said she learned that our Mayor sits on the board.

Edward said when we did the original Duke Energy money, we had everything designated and said we bring the amendments to you when we're ready to appropriate the dollars. He said what we have right now is that these dollars are sitting in a pot, all together. He said this will earmark that last piece and we'll bring you the other piece of those dollars so that those dollars are where they need to be. He said it's an accounting thing for us to say the dollars are there and it's labeled this so that it's not mixed in with the other dollars. He said at the end of the day, whatever the wishes of the City Council are, those dollars will either be used for that or the appropriation will lapse and the money will go back into the reserves. He said this just assigns the \$150,000 to that particular item.

Commissioner Smith asked if all of those funds that we've earmarked from the Duke Energy money have been done to which Edward said yes, you've approved every one of them except for the Connolly house. He asked when we'll have the agreement for the Connolly portion to which Edward said that currently Procurement is working on an RFQ so we can go out to bid and get a professional designer so that we can bring you that piece.

Mayor Nelson asked Gladymir where we're at on the RFQ for the design to which Gladymir said we're in the process of trying to hire someone to do all of the designs.

Mayor Nelson said he's happy to table this for two weeks or until the RFQ has been completed and said that gives anyone who wants to meet with the Next Step Foundation a chance to meet.

Mayor Nelson asked for a motion to table Resolution No. 2022-01 to a date TBD.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to table Resolution No 2022-01 to a date TBD. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

CITY COUNCIL REPORTS

Commission Velazquez said Happy New Year!

Commissioner Bankson said he extended the meeting already so Happy New Year!

Commissioner Smith said his response is the same, Happy New Year!!

Commissioner Becker said times four, Happy New Year!

CITY ADMINISTRATOR REPORT

1. Financial Update

Edward said he has some positive information on the sales tax and said as you can see, we're a quarter of the way into our new fiscal year and said we're a little over \$48,000 above the budget projections. He said keep in mind, the dollars you see in front of you for December are actually for October and said we haven't seen the Thanksgiving and Christmas months yet and said this is positive news.

CITY ATTORNEY'S REPORT

Michael said he did some quick looking to clarify and provide some direction with regard to the Early Voting. He said the Supervisor of Elections is bound by Statute to designate an Early Voting site no later than the 30th day prior to an Election. He said the Statute provides that Cities may provide Early Voting in Municipal Elections that are not held in conjunction with County or State Elections. He said if we do provide Early Voting, the City may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of the Statute with regard to a General Election. He said the Supervisor is not required to conduct Early Voting if it is provided pursuant to this subsection. He said we need to speak and discuss with the Supervisor of Elections as we do not provide our own Municipal Elections as they are all done by the Supervisor of Elections. He said the Supervisor will have to designate the Early Voting location and said by Statute, early

voting locations must be either Supervisor of Elections branch offices or any City owned buildings.

Commissioner Smith asked if there was a cost for this to which Michael said yes, we'll have to provide for the cost for the SOE to bring the machinery, print the ballots and transport them to the Early Voting site.

MAYOR'S REPORT

Nomi Testing Site Update

Mayor Nelson said we started the program when he received a phone call from a representative from Nomi, who just so happened to be his first employee when he was a State Legislator, who asked if we'd like a testing site. He said at the time there was just one big one down at Barnett Park and said he agreed to the testing site and on August 14th, we set up in Edwards Field. He said we stopped at the Fall Festival and moved it over to City Hall which at the time there wasn't a lot of activity. He said they were supposed to go back to Edwards Field after the Tree Lighting. He said we had Public Works find someone to move their trailer as Naomi wasn't going to be able to move it for another 2 weeks and the traffic was stacked all the way back to Highland Manor. He said Naomi has doubled the staff there are now testing approximately 1,200 people per day. He said we have PCR as well as the Rapid Testing and said this is a great benefit for all of the folks in Northwest Orange County and not just Apopka. He said he wanted to give a shout out the following departments for the City effort: Public Works, who moved the trailers; IT Department for unjamming their 5 printer; Parks and Rec, who lined the field up so we can get people lined up; as well as our Police and Fire Departments. He said the bad news is the State of Florida positivity rate is at 26.5% and said the Orange County positivity rate is at 31.6%. He said our Edwards Field positivity rate is 18.8%. He said Kelly in IT & Stacy in his office have been working to make sure that as we find out when Nomi is out of tests, that we inform the public as quickly as we can.

New LED Lights

Mayor Nelson said he knows Mr. Cooper has already left but we have 29 new lights that have been upgraded and turned on along 441 between Amscot and Public Storage and have added 16 new lights between Amscot and the Days Inn. He said if you get a chance, drive by as it's a pleasant surprise to see the amount of light they're getting down there.

Utility Billing Payments

Mayor Nelson said lastly, that Utility Billing phone in payments are going live tomorrow and said you'll be able to pay your utility billing over the phone.

ADJOURNMENT - There being no further business the meeting adjourned at 3:13 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk