CITY OF APOPKA MINUTES
Minutes of the City Council Meeting held on October 19, 2022 at 7:00 PM, in the City of Apopka Council Chambers.

Present:
- Mayor Bryan Nelson
- Commissioner Doug Bankson
- Commissioner Nick Nesta
- Commissioner Alexander Smith
- Commissioner Diane Velazquez
- City Administrator, Edward Bass
- City Attorney, Michael Rodriguez

Press Present
Megan Garcia, The Apopka Voice

INVOCATION & PLEDGE OF ALLEGIANCE:

Commissioner Smith provided the Invocation and led in the Pledge of Allegiance. He then provided the fact of the day, as follows: On October 19, 1781, the Americans defeat the British at Yorktown, Virginia. Trapped at Yorktown, British General Lord Cornwallis surrendered 8,000 British soldiers and seamen to a larger Franco-American force, effectively bringing an end to the American Revolution.

APPROVAL OF MINUTES
1. Regular Council Meeting Minutes of September 21, 2022.
2. Regular Council Meeting Minutes of October 5, 2022.

   a. **Mayor Nelson** asked if everyone has had a chance to review the minutes and whether anyone had any questions.
   b. Hearing none, he asked for a motion to approve the two (2) sets of minutes.
   c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve the **two (2) sets of minutes.**
   d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

PRESENTATION
1. 2023 Apopka Youth Council
   Presented by: Dr. Shakenya Harris-Jackson

   Dr. Jackson said she has with her today, the Apopka Youth Council for the 2022-2023 school year. She then introduced them by first name as follows: Andrew; Arianna; Beatrice; Brady; Darrin; Jade; Jamia; James; Kendall; Layne; Logan; Madison; Olivia; Richard; and Sarah. She said today we had our meet and greet and thanked those who were able to join us. She explained that today was their first meeting and they have some wonderful things in store for the community next year and said she can't wait to share with everyone soon. They then took a group picture with the City Council Members.

Mayor Nelson said they'll be coming back to us at our next meeting with what their projects are and said we're excited to see what they have to offer. He thanked them all for coming.

2. New Interchange at SR 429 and Binion Road - PD&E
   Presented by: David Falk, CFX Project Manager

Pam Richmond introduced her colleagues from CFX including David Falk; Kevin Kamara and Greg Seidel. She said David is the CFX Project Manager; Kevin is the PIO and Greg is the Consultant. She said we've been engaged with CFX for about a year and said the last time there were here, they came to us and asked what projects we have for their program in the next year. She said she and the Mayor reviewed the projects and we sent over three projects. She said of those, they chose the half interchange that's going to be constructed near Boy Scout Road on Binion Road. She said this is funded through construction and said right now they're at the PD & E Phase and said they'll provide an overview of where this project is currently. She said we also have another partner in this project, The Ridge Development and said they've graciously re-arranged their site so we can get the ramps in and get it lined up and get a signal or whatever traffic control will be there and said this is a strong partnership and there's been a lot of work put into this.

David Falk, Project Manager for the SR 429 and Binion Road interchange project development and environment study (PD & E study) being conducted by the Central Florida Expressway Authority (CFX). She said on behalf of CFX, he'll present an update on this study. He said each year, we at CFX prepare our 5 year work plan based upon the existing and anticipated needs of the communities in our 5 county region. He said updates to our workplan are then brought before our governing board for approval. He said our current work plan, which covers FY's 2023-2027, totals over $4,000,000,000 and said this is the largest in our agency's history. He said the projects included in our map and workplan are typically a product of our long term planning effort, referred to as our Master Plan. He said we're currently in the PD & E Study phase of a level I, project of Environmental Impact report otherwise known as a peter. He said this allows for a more detailed, preliminary engineering environmental evaluation to identify and recommend a preferred alternative that can be advanced to the next phase, which is the design phase. He said we follow the project development process outlined and said for projects of a smaller scale, such as a capacity improvement for a new interchange, the study phases are condensed and fast tracked, as is the case for the project being brought before you tonight. **Mr. Falk** said the project goals and objectives, which correlate to the project purpose and need, include promoting regional connectivity; enhancing mobility of the areas growing population; and economy, by providing additional transportation infrastructure, providing consistency with local plans and agencies, including local, state and regional plans. He said lastly, identifying transportation mobility options and programs that can meet future demands. He said this allows for a more detailed blending of preliminary engineering, environmental analysis and public involvement. He said this involves the development of several engineering and environmental documents to support the decision making process. He said stakeholder input is an important aspect of the PD & E needs study process and the concept study alternatives are examined, the environmental analysis will include measures to avoid and or mitigate impacts. He then reviewed the study areas and key features of the outline of the study area boundary and provided a depiction of the study area, which runs along the vicinity of S. Binion Road and Boy Scout Road, east of SR 429. He said we're in the process of evaluating two intersection alternatives and said the first being a traditional, signalized intersection and the second being a single lane round-a-bout intersection. He indicated that the round-a-bout alternative provides additional benefits. He said please feel free to contact a member of the study team with any questions you may have as the study progresses. He said a webpage has been created for this and is located on the CFX website under agency information PD & E Studies. He said the next step will be to hold a Public Information Meeting and said this will be held at Apopka High School on Thursday, November 3rd, from 5:30-7:30 p.m. He thanked the Mayor and members of City Council for allowing them to present this PD&E Study.

Commissioner Nesta said this will only allow access if you're heading North and you can't head South on this and asked what the logic was for this.

Mr. Falk confirmed that is correct and said the reason is that directly to the South, we have SR 414 interchange with SR 429 and said with proper spacing of the ramps, we're not able to fit that in. He said you can head East on SR 414, you can travel over to Marden and get on there or you can go down to 437-A in order to travel South.

Commissioner Smith asked if there is a preference and whether that would be a round-a-bout or a signal intersection.

Mr. Falk stated no, they honestly preform similarly in the design year, which is 2045, based upon our analysis and said it's a matter of what the City prefers as they'll be maintaining the intersection in the end.

Commissioner Bankson said he prefers the round-a-bout as overall, there's less expense, less upkeep but said if there's too much traffic at that intersection, the round-a-bout gets confusing. He said he's excited about this option.

Commissioner Velazquez said she's impressed and said she likes that it's fully funded. She said she's looking forward to the meeting on November 3rd and said as the time comes, Pam will decide what's best for that intersection.

Mayor Nelson thanked CFX and The Ridge for this great partnership and said without all of the partners, this wouldn't have happened.

3. Ocoee Apopka Road Corridor Study - Presentation of Recommendation
   Presenter - Nikki Melendez and Amy Sirmans

   Pam Richmond said we've been working on the study on Ocoee Apopka Road and said this is the piece from Harmon Road North to Hawthorne. She said Nikki Melendez from VHB is here as well as our partner from Orange County, Brian Sanders. She said we're looking at four laning that segment and said it's separate from the southern piece but Nikki is here to present the findings and to provide an overview of this project as we move forward to the widening.

   Nikki Melendez from VHB said she's the consultant project manager for the Ocoee Apopka Road Corridor Study. She said this presentation will be brief but will provide an overview of the study. She said we'll discuss the summary of the existing and future conditions analysis that we've performed; we'll go over the study recommendations, which is a phased approach and we'll close out with next steps. She said as Pam mentioned this is for Ocoee Apopka Road from Harmon Road to Hawthorne Avenue, and said it is also known as County Road, 437-A in Orange County. She said it's a length of approximately 1.7 miles and said the objective for this study going in was to look at widening from 2 lanes to 4 lanes to provide for existing users as well as provide for the future developments coming in. She said this follows the general study process for corridor studies and said we started with our existing and future conditions analysis, moved into developing alternatives to address the issues and opportunities that we identified; we analyzed those alternatives, compared them and created a finalized concept on our preferred alternative. She said we started with key stakeholder interviews with the hospital, the local fire station as well as the Fire Chief and got some feedback from them. We then held a virtual Public Meeting where we presented the findings to the public and asked for their input and said in general, the locals were very much in support of the widening. She said we also ran a study website throughout this process and accepted any comments throughout the study process. She said we're looking to finish the study by the end of this year.

   Commissioner Bankson asked which side the 10' pathway on.

   Commissioner Smith said he's excited and said one thing he's adamant about is safety and said he likes what he sees thus far. He said he still has concerns about the other part of Ocoee Apopka Road but thanked them for what they've already done.

   Commissioner Nesta asked if the $15,000,000 of estimated costs included Right-of-Way purchasing to which Nikki stated it does not however it does include the drainage improvements and all of the design and construction costs for the roadway. He then asked if this was an Orange County Road and whether we've discussed partnering with them.

Pam Richmond said we haven't signed an agreement with the County but said her partner Brian could speak to this. She said we've divided the project into a couple of pieces and said the City is taking 13th Street, South to Harmon Road and there are some stormwater issues on the North end and Orange County has already found funding to fix that so that's a major thing. She said those folks that live along there have an unnatural lake in their back yard from time to time and said we meet on this project every week and said we have an excellent partnership with the County. She said the plan in the end will be that one the road is done; the City will take the road.

AGENDA REVIEW

Edward said there were no changes to the Agenda.

PUBLIC COMMENT PERIOD

Gregory Griffith, 2428 Wyndham Bay Place, Apopka, FL 32703, thanked the Mayor and the Commissioners for coming out to our property at Clear Lake Estates to view the situation. He then provided a short video and said most of what you see occurred after Hurricane Ian. He said we've had a situation with rising water in our area for 5 years now and said Clearwater Lake has finally crested and said now the lake and the retention pond have joined together as one lake, completely submerging our property, the playground area, gazebo, and walkways. He asked what our plan is for this.

Frank Campopiano, 937 Bay Bridge Circle, Apopka, FL 32703, said he lives on Clear Lake on the opposite side of the lake and said he moved in in 2016. He said at that time, from his backyard to the lake was 70' and now it's 12'. He said his concern is environmental and said there's a rule of 20' don't spray by the lake but the problem is that our houses are all coming down to the lake and said the runoff can go down between the houses and said that means anything in people's driveways, pesticides and anything coming from the road is dumping into the lake. He said we've voiced our concerns to St. Johns and haven't heard anything back from them. He said this is a beautiful lake and it's being destroyed and said we're losing our yards. He said they're building a new subdivision behind us and they put a concrete overflow into our lake and asked who approved that. He said we have to get back to having a drainage swale as this is becoming an environmental issue. He said there has to be a solution.

Dennis New, 105 W. Magnolia Street, Apopka, FL 32703, said he hopes all of the Commissioners have taken the time to review the packet he gave them about the code violations and said he was going to discuss this today but events have changed. He said on October 4th and again on October 14th, the Fire Department ran an ad for the hiring process and quoted from the ad. He expressed his concerns about the culture at the Fire Department as well as safety issues well as issues with senior personnel leaving. He spoke about a recent public records request and expressed his concerns with the audio recordings regarding that request.

Karen Wilcox, 949 Bay Bridge Circle, Apopka, FL 32703, said she's been a homeowner in the Clear Lakes Landing development for the past 5 years and said she echoed what her partners have shared this evening. She said she first noticed the loss of land in her back yard about 3 years ago when she began to see the encroachment of water and erosion and said currently over 50' of her back yard is under water. She said earlier this year, she had her sprinkler system moved up and said following the hurricane, she lost another 8' and currently, those sprinklers are under water. She said she spoke with someone earlier tonight who said there used to be a pipe that would drain the lake into Mud Lake but it was damaged when work was done on Binion Road. She said she's hopeful that you consider what can be done to help as she really loves her community.

Wayne Levesque, 823 E. Orange Street, Apopka, FL 32703, said he's here for three reasons. He said the first is to make a formal complaint against his next door neighbors on East Orange Street and the surrounding properties in his neighborhood for having parties with loud music, all hours of the day, night and early mornings on both weeknights and weekends with no respect for their neighbors. He said he's talking loud parties, not just music. He said they park up and down our street, on the lawn, in the vacant land and said this past Saturday night, he came home from the concert at the Amphitheater, which was great, and said he couldn't even get to his house and said there were teenagers parking cars on our street. He said this has been an ongoing issue for over a year and a half and said he's been trying to deal with it, due to the lack of unenforceable noise ordinance in the City. He said he tries to be civil about it and talked to the neighbors and said on Sunday, he went over and knocked on their door to speak to them civilly about working this issue out and they said "it's my house, call the police, they do nothing". He said the police have come out and have been very nice and courteous and they have gone over there to try and ask them to turn it down but they cannot tell them or demand them. He said, second, he's here to aggressively pursue a noise ordinance for the City limits and the residents, much like Orange County has. He said he had another issue with a resident on Mason Street that was one house into the County and said this went on for a year and a half but finally we were able to get the County to enforce this with the help of Christine Moore and the OCSO. He said for the past two months, it's been quiet and no more large parties. He said third, he'd like to ask for guidance from you on how he should handle his disrespectful neighbors going forward, until an ordinance is in effect. He said he's spoken with a couple of neighbors on our street and behind our street on Magnolia Street and will submit to you a letter signed by the concerned neighbors about this problem.

Mayor Nelson said Michael is working on this and we will have an ordinance forthcoming.

CONSENT (Action Item)

1. Execute release of Code Enforcement Lien - 845 South Orange Blossom Trail, Apopka, Florida
2. Authorize the Mayor to sign an interlocal agreement between City of Apopka and OCSO for use of the firearms range for conducted training purposes.

3. Authorize the Mayor to execute the grant agreement with the Florida Department of Environmental Protection for conversion of package plants at mobile home parks within the City of Apopka utility service area.
4. Authorize the donation to Harbor House of Central Florida from the State Law Enforcement Trust Fund.
5. Authorize the execution of piggyback contracts for fiscal year 2023.
6. Accept the disbursement report for September 2022.

   e. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.
   f. Hearing no other questions, he asked for a motion to approve the six (6) items on Consent.
   g. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve the six (6) items on Consent.
   h. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

1. Approve Station Street Project RFP to negotiate and return to City Council for final approval of a contract.
   Presented by: Jim Hitt

   Jim Hitt said this item is something that came before City Council for discussion about a year ago, back in August of 2021. He said in January 19,2022, the RFP was rejected with the intent to re-bid and said that is what we did. He said RFP 2022-95 was advertised on August 28, 2022 and said there was an inquiry deadline of September 18th at 11:30 p.m. and said the E-Bid submittal deadline was extended to October 3, 2022. He said the evaluation committee did meet to discuss the bid on October 12, 2022 and the recommendation for this evening is to approve staff to negotiate with the bidder itself. He said part of the bid package itself was changed as we had 8 or 9 inquiries from the first bid that went out last year that were included in this bid package having to do with Brownfields, the acreage, the environmental report and said as a result, we didn't get any other inquiries into what else needed to be done with the property. He said we provided the original appraisal, the survey, including the vacate portions of Station Street and 5th Street. He said the other thing that we identified was the primary use with subsequent uses on the 1st floor. He said the evaluation committee, was held virtually and was advertised in OpenGov and open to the public. He said the overall final scoring for the Standard Investment and holdings, LLC., the submitter, was 84.6 points out of 105. He said all 5 members of the evaluation committee are recommending negotiations with the bidder. He said the evaluation committee consisted of himself; Shakenya Harris-Jackson, our Grants Administrator; Nicole Kennedy, Sustainability Coordinator; Kenneth Goodwin, Executive Director for

Homes-In-Partnership, Inc.; Monique Morris, Apopka Citizen. The evaluation committee reviewed and assessed the submittal based on the scoring criteria outlined in the solicitation: qualifications of development team, quality of design proposal, value to the City, financial viability, and financial return.

Jessica Pugh, Purchasing Manager, said she'll go over some of the statistics for the advertisement. She said we did post the advertisement out on OpenGov; the Orlando Sentinel; our newsletter; Twitter; Facebook; and Instagram. She said vendors notified were 1,011 vendors and said of those, we had 607 project views on OpenGov. She said there were 24 active vendors following the project all the way through and said we had 27 vendors that downloaded all of the data for this project and we had the 1 submittal from Standard Holdings, LLC.

Jim Hitt said as part of the discussion coming up regarding the negotiation is that the appraisal came out at $900,000. He said the developer would complete the level area for the events space in the plaza prior to turning it over to the City and said the CRA would be able to design and complete the pavilion. He said the complete development agreement would have to be for the construction time period as described in the RFP, which would start within 2 years and be completed within 4 years. He said we're hoping to get the plaza area turned over to the City within 3 years. He said the SE portion of the site is considered a brownfield and is polluted from a previous owner of the property and said there are small plumes that go out from the pollution and said one of the cures for that is to seal it by cementing over it and placing monitoring wells to gage any potential issues. He said as part of the negotiations of the contract, this property, which the City currently owns, would be turned over to the bidder. He said they would design and design the plaza and the two residential structures. He said the 3.4 acre site is Mixed-Use with a maximum density of 15 DU per acre, which equates to 50 units. He said they're planning on doing two 3 story buildings at 24 units each. He said they'll complete the plaza and turn it back over to the City for our control and our use for events. He stated that the RFP included scope changes to identify residential uses as the primary use with subsequent commercial uses on the first floor; and language was added to highly encourage the developer hire contractors and sub-contractors that are minority owned businesses. He provided some of the sample designs and said the committee and staff would like to see balconies. He said a balcony provide an opportunity for people to watch what's going on around them and said if we don't have the people living downtown to spur the commercial development yet but said this will allow for that residential component. He said this request is to allow discussions for some of the things that the bidder may have misinterpreted or we misinterpreted and we can negotiate those issues for the betterment of our downtown.

Commissioner Velazquez said she tuned in to the community meeting and said she took a lot of notes and sent those to Jessica and thanked her for her responses. She said one thing she's stuck on is that it is a Mixed-Use and we want the downtown but we need retail space. She said we don't want to put 48 residential units in there and not have anything for them. She said part of the downtown center should be commercial and she'd like to see this move forward and maybe we can work on this. She said Mr. Benge is willing to do this and said she wants to go forth with this as we've been delaying this a long time and it is part of the City downtown.

Commissioner Bankson said this is the anchor and agrees that we want to see the retail. He said this is the " if we build it, they will come moment". He asked how finished the plaza will be when we take this over, to which Jim stated his goal is to get a plaza that's ready to go. Commissioner Bankson said he loves the layout and said it's very inviting. He asked what the nature of the brownfield was, to which Mayor Nelson stated it was a laundromat and an ice house. He said he's excited about this and this will kick start this thing that we've been wanting for several years.

Commissioner Smith asked for clarification as he said this shows 3 stories and 24 units in the 2 buildings but there seems to be some hesitance about the retail on the 1st floor. He asked if there are 24 units on the 2nd and 3rd floors to which Jim stated, no, they're proposing two 24 unit buildings, no retail. Commissioner Smith stated he was looking forward to having retail on the 1st floor and asked about the palm trees that appear to be in the middle of the road to which Jim clarified they are actually on both sides of the road. Commissioner Smith then asked about the pavilion in the brownfield area and asked if we have to worry about the cleaners that were on the other side to which Jim stated no, the main brownfield is under the plaza where the ice house was.

Commissioner Nesta asked if we received any feedback from any of the interested groups to which Jessica stated no, we did not receive any feedback. Commissioner Nesta then asked if the plaza itself would be funded out of the CRA, to which, Jim clarified that no, he will negotiate is that the developer do the plaza and said we may do the pavilion. Commissioner Nesta said he thought we had earmarked all of those dollars.

Jim Hitt said no but we still have funding coming in and said we receive about $400,000 a year into the CRA. He said the CRA does sunset through in January of 2024 and said he'll be going to the County to get our CRA extended another 10 years. Jim said we can earmark any money for this project, that can be used for this project even after sunsetting.

Commissioner Nesta said the appraisal that was given in this was from 2019 and uses comps from 2014 and said it's a horrible appraisal and the data isn't adequate for negotiations. He then asked if this would be affordable housing to which Jim stated that there is no indication of that and we'll get more information from the bidder on this. Commissioner Nesta said from the beginning, retail has not in their plan and said this is a tough deal as a real estate person as it's messy. He said there are a lot of trade-offs here and said the developer is back and said at the end of the day, if this adds to our downtown, he's for this. He said his biggest frustration is that 10 months ago, City Council turned this down and asked what has changed now when no one supported this before.

Commissioner Smith said after the fact, we were made aware that we weren't actually awarding the contract, rather we were moving to enter into negotiations but that was not clear. He said this is the same thing we're doing now.

Commissioner Bankson stated that he voiced it the following week that that wasn't the right decision to make. He said there was a little volatility at the time and the fact that we only had one bidder.

Commissioner Velazquez said the first time this was presented, she didn't tune in to the community meeting and said at that time there was a lot going on and it didn't feel right. She said since then, she tuned into the community meeting and said she has more information now and said she's comfortable. She said Tony Benge was the one bidder and said he's willing to work with us and we want to see this come to fruition.

Commissioner Nesta asked the Mayor if there was any reason why he voted against this.

Mayor Nelson stated you know why.

Rogers Beckett, 7 West Main Street, said he's trying to understand the process and said it seems like you want to bolster residential development and asked why we wouldn't grant the developer some type of bonus density.

a. **Mayor Nelson** asked if anyone had any questions or if anyone from the Public wanted to speak on this matter.
b. Hearing no other questions, he asked for a motion to approve the Station Street Project RFP to negotiate and return to City Council for final approval of a contract.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve the Station Street Project RFP to negotiate and return to City Council for final approval of a contract.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

2. Approve First Amendment to The Ridge Transportation Improvements Development Agreement and Grant of Easement
Presented by: Pam Richmond

Pam Richmond said this is the First Amendment to the Ridge Development Agreement and said this was created on her request. She said the DA was done well but lacked sufficient details on the transportation part. She said the developer and their attorneys got together and worked on this agreement and said this provides more details and specifics on this. She said this request is to approve this Amendment to the Ridge Transportation Impact Fee Credit Agreement.

a. **Mayor Nelson** asked if anyone had any questions or if anyone from the Public wanted to speak on this matter.
b. Hearing no other questions, he asked for a motion to approve the First Amendment to the Ridge Transportation Improvements Development Agreement and Grant of Easement.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Velazquez** to approve the First Amendment to the Ridge Transportation Improvements Development Agreement and Grant of Easement.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

3. Accept Conflict of Interest Forms and Applicant Ranking List for the FY19 CDBG Housing Grant
Presented by: Dr. Shakenya Harris-Jackson and David Fox

David Fox of Fred Fox Enterprise said this is an update on your CDBG Housing Grant and review of conflict of interests associated with the project and ranking of the clients. He said every City Council Member; task force member and staff associated with the project all filled out a conflict of interest form with all 16 applicants' names listed and said originally, there were 41 applicants but due to location of homes; ownership problems; income levels, we got this down to 16 applicants. He said no conflicts of notice were found and said the only person we haven't received the conflict of interest form was Lori Freeman and said we're still trying to contact her and if she comes back with a conflict, we'll have to go through this process to get a waiver. He said there's no action required. He said you've done your initial overview and we have release of funds approval from the State to move forward with the project. The recommended ranking is based on your housing assistance plan and the highest ranked applicants are households with income below 30% of the area median, which includes households with disability or handicap. He said the second tier will be those with 31% - 50% area median or low to moderate income. He said tier three will be households between 51% -80% of area median. He said anything over 80% median, you don't qualify under the program. He said we took each applicants intake application and reviewed the criteria to determine the criteria. He then provided the ranking in order of award.

Commissioner Nesta asked what the point of the title search would be to which Mr. Fox stated that this is done to make sure there are no judgements and that they have the rights to the property.

Commissioner Smith asked how many of these homes do you propose to take care of to which Mr. Fox stated that right now, the number 1 ranked home is a replacement and will take a large chunk of the monies but stated that it can be as many as 11 homes, but realistically, it will be more like 6 or 7 homes.

Mayor Nelson said one of the things we discussed was City Serve and the Chamber and said we've had Habitat people come in and help, Coca-Cola came in and helped build some houses. He said he spoke with David about the opportunity for us to step in and help and said we have to be careful with this as we can't mix CDBG dollars and sweat equity together.

Commissioner Velazquez asked what the next step is.

Mr. Fox said the City is currently getting quotes for Owners and Encumbrance reports and for asbestos and lead based paint inspections. He said once we get title sufficiency, we can proceed with the bidding process.

a. **Mayor Nelson** asked if anyone had any questions or if anyone from the Public wanted to speak on this matter.
b. Hearing no other questions, he asked for a motion to approve Accept Conflict of Interest Forms and Applicant Ranking List for the FY19 CDBG Housing Grant
c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Smith** to approve the Major Development Plan for Alterna Logistics Park.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

4. Approve the FY 22-23 Roadway Resurfacing Program including roadway and parking lot improvements at the Northwest Recreation Facility.
   Presented by: Deodat Budhu

Deodat Budhu, Public Services Director, said this evening, he'll present the FY 22-23 Roadway Resurfacing Program and the NW Recreation facility rehabilitation. He said this will touch on the strategy used in the FY 22-23 roadway selection, talk about the pavement methodology, resurfacing methods and list of the selected roadway and rehabilitation methods. He said he will also provide an overview of the NW Recreation facility rehabilitation and striping. He said on December 15, 2021, a preliminary list, which shows the FY 22-23 was presented to this Council. He said this list we're presenting tonight for approval is inclusive of all of those roads listed below. He said we also used the October 21st pavement condition assessment report that was completed for the City. He said in this report, they did a pavement condition analysis and ranked these roads according to PCI. He said staff verified each of these roadways with respect to the stress and deficiencies and said we also received citizen inquiries which were evaluated and included where applicable. He then provided the list based upon the severity of pavement and distress and whether this was a local road or the density of the road. He explained in detailed the methods for rehabilitating or resurfacing the roads and the rehabilitation of the Northwest Recreation facility and provided the recommendations accordingly. He said the total for this pavement operation is approximately $3,000,000. He said of this, $1,800,000 was already allocated in the Street Improvement Fund and was approved for FY 22-23 Budget. He said the additional $1,200,000 that will be required will be made available from the General Fund, by a budget amendment, later this evening.

Commissioner Velazquez stated that she's happy that the streets, potholes are being attended to but didn't see anything on the North side.

Commissioner Bankson said in the more historical areas, we have some brick roads that are really in bad shape and asked what could be done with that.

Mr. Budhu stated that we have $75,000 for that and this year we have a contractor on board so you should see some progress.

Commissioner Smith said the roads that he's received complaints on are on the list so they'll be happy.

a. **Mayor Nelson** asked if anyone had any questions or if anyone from the Public wanted to speak on this matter.
b. Hearing no other questions, he asked for a motion to approve the FY 22-23 Roadway Resurfacing Program including roadway and parking lot improvements at the Northwest Recreation Facility.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve the FY 22-23 Roadway Resurfacing Program including roadway and parking lot improvements at the Northwest Recreation Facility.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

5. Approve the assignments of the remaining Coronavirus State and Local Fiscal Recovery Funds, a part of the American Rescue Plan
Presented by: Edward Bass

Edward Bass said we've talked about the Cares Act money over several of our meetings and said you have before you a reconciliation for these items. He said he wants to go through each item for your benefit as well as the public. He said you'll see items we've already allocated and you'll see ones that I'm asking you to assign those numbers. He said what I mean by assigning the numbers is that you're only assigning them to the item tonight and said these items will all have to come back to you for appropriation under a budget amendment. He said if you look at the top, in July of 2021, we received half of our $7,000,000 and said in July of 2022, we received the other half. He said if you recall, in your 2022 budget, you allocated $1,000,000 to resurfacing and said we did Yothers Road had a complete resurfacing and came to $783,000. He said Camp Wewa had a sewer match grant to convert Camp Wewa to sewer and said we allocated $250,000 and said that project is in progress. He said our fire exhaust system for fire vehicles was $234,000 and said this is completed. He said the Cemetery improvements were $618,000 and the roads are paved and we're meeting on the columbarium's so we'll bring that back to you. He said the Sheeler Oaks Stormwater project, if you recall, was approved for $250,000 and said that's in progress. He said Deo just presented his street surfacing project and said if you recall, you approved $1,000,000 for that. He said all of these items have already been appropriated. He said the next section are dollars that we're asking that you assign them and we'll bring back to you with each item with either a budget amendment or a contract or agreement for each. He said the first one is a Sanitation Truck and said as you recall, we purchased two diesel trucks that we're using temporarily right now to get us through. He said the plan was that we'll sell the two diesel trucks back and apply those funds and also use $1,000,000 in Cares Act monies for the replacement trucks and said those 4 trucks were about $1,300,000. He said we'll bring this back to you in a budget amendment at the next meeting as Josh is ready to go.

Commissioner Velazquez asked how much the insurance paid toward this.

Edward said it was approximately $300.000 for all three. He stated that Josh did a remarkable job and the citizens didn't see any interruption in services. He said the next item is for LED lighting for all of the buildings and explained the reasoning. He said next, we have grounding and lightning protection and said this is due to lightning storms over the years and said we've lost a lot of equipment. He said A.J. from our facilities found that we have a grounding issue in this area and said by installing this protection, we will save money on replacement of equipment. He said we will bring this back to you before allocating these dollars. He said the next item is for the Fran Carlton and said it needs to be updated including the flooring, ceiling and some kitchen and bath areas. He said the property at 8th Street across from our fuel island, has a stormwater issue and said we need to fix this piping issue and said this is a piece we've been wanting to sell for possibly some affordable housing or other use. He said this may also be a place for a pocket park or playground. The next item is for City Hall improvements and said you've budgeted for Council Chambers and said now that Rob has his equipment up and running, we need new paint, lighting and other improvements and an ADA ramp. He said in addition, we need to address other areas in City Hall as some areas have become shabby and said we could use some of these dollars and said these are items that you do every 10-15 years. He said you had a presentation on the Early Learning Coalition; a Reading Mentoring program and said although you haven't seen a lot of the details for either of these programs, we're just asking for you to assign them and they will come back to you to for you to commit as you wish. He said the Re-Imagine was a smaller ask but said they're all programs that are 3 year programs and all are helpful to the community. He said these dollars have to be committed to by 2024 and we have to spend by 2026. He said if you elect to do one of these programs, you'll have enough funding for the 3 year period. He said the final item is the CDBG housing grant that you just approved the ranking for. He said he put some additional dollars here and said it may not take this much but said as we discussed earlier, if we can only do 10 of those houses and the other 6 houses require $50,000, to complete, the Mayor is correct in that we can't mix those funds but we can close that grant out for those and if the Council wants to take some of the Cares Act money and finish those projects off, we can finish all 16 houses. He said these dollars can be outside of the grant funding.

Commissioner Velazquez said when the Early Learning Coalition came, they just made a presentation and said we did the same with the Reading Mentoring Program and said she felt like we were allocating this money and keeping it there but don't have all of the information.

Edward stated that we're just assigning these numbers here so if they come back and give you an agreement, and if you decide to move forward, we will put an actual number to that program out of the "assigned" money. He said if the Council does not want to move forward with any of these, he will come back to you with the extra dollars for you to decide where you want to spend those dollars.

Commissioner Velazquez asked if we have a Plan B in which if we decide not to use them on a particular project, we can use them for another.

Edward said there is not a Plan B but said if the Council decides not to do the Reading Mentoring program, he'll come back to you to reassign those dollars.

Commissioner Smith asked about the money for the recreation programs at the Billie Dean Community Center.

Edward stated that those dollars are already earmarked under your current budget.

Commissioner Nesta said the Early Learning Program and the Reading Mentoring Program said there are a lot of open ended questions there and said he understands we're not committing but asked that we remove the Early Learning Coalition and the Reading Mentoring program and we'll all do some homework to provide some suggestions of where we can spend that money. He said this would allow the Council additional input on how we spend that additional $400,000.

Edward said we can do that and not assign those balances and leave them for the assignment at a future meeting.

Rogers Beckett asked about the Sanitation trucks and asked if we've looked into electric trucks and improvements along the bike trail that comes into the City. He said we need something to boost the attractiveness of the trail and impact and beautify the downtown.

a. **Mayor Nelson** asked if anyone had any questions or if anyone from the Public wanted to speak on this matter.
b. Hearing no other questions, he asked for a motion to remove the Early Learning Coalition and Reading Mentoring program assignments and approve the assignments of the remaining Coronavirus State and Local Fiscal Recovery Funds, a part of the American Rescue Plan.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to motion to remove the Early Learning Coalition and Reading Mentoring program assignments and approve the assignments of the remaining Coronavirus State and Local Fiscal Recovery Funds, a part of the American Rescue Plan.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No 2955 - Second Reading - Small Scale FLUM - 2309 Ocoee Apopka Road
Owners: Ronnie B. Phillips and Wanda R. Phillips
Applicant: Jonathan P. Huels, Esq.
Location: 2309 Ocoee Apopka Road
Tract Size: 5.71 +/- acres
Project Manager: Jean Sanchez

    a. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes.**
    b. He then asked if anyone from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2955.
    c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Smith** to adopt Ordinance No. 2955.
    d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

2. Ordinance No 2961 - Second Reading - Small Scale FLUM - Simmons Property
Owners: Chester Leon Simmons and Deborah Simmons
Applicant: Chester Leon Simmons
Location: 828 South Washington Ave
Tract Size: 0.56 +/- acres
Project Manager: Jean Sanchez

a. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes.**
b. He then asked if anyone from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2961.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2961.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

3. Ordinance No. 2962 – Second Reading – Change of Zoning & Master Plan – Kelly Park Crossings
Owner(s): Kelly Park VB Development, LLC
Applicant: Kimley-Horn & Associates, Inc. c/o Melibe S. Thomas, P.E.
Proposed Zoning: KPI-MU (Kelly Park Interchange - Mixed Use)
Location: Southwest corner of SR 429 and Kelly Park Road
Project: 259 +/- acres
Project Manager: Jean Sanchez

a. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes.**
b. He then asked if anyone from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2962.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2962.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

4. Ordinance No 2963 - Second Reading Small Scale FLUM - Ponkin Road Property
Owner: Ponkin Road Property, LLC
Applicant: Kimley-Horn and Associates, Inc. c/o Jaime Albino, P.E.
Location: Southwest corner of Ponkan Road and Plymouth Sorrento Road
Project: 14.95 +/- Acres
Project Manager: Roxann Read

a. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes.**
b. He then asked if anyone from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2963.

c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2963.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

5. Ordinance No 2964 - Second Reading - Change of Zoning - Ponkin Road Property
Owners: Ponkin Road Property, LLC
Applicant: Kimley-Horn and Associates, Inc. c/o Jaime Albino, P.E.
Proposed Zoning: Community Commercial District (C-C)
Location: Southwest corner of Ponkan Road and Plymouth Sorrento Road
Tract Size: 14.95 +/- acres
Project Manager: Roxann Read

a. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes.**
b. He then asked if anyone from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2964.
c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Bankson** to adopt Ordinance No. 2964.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

6. Ordinance No 2965 - Second Reading - Small Scale FLUM - 1829 Plymouth Sorrento Road
Owners: Kathy Eunhuilee Jung and Amy Chong Eunah
Applicant: Maury L. Carter & Associates, Inc c/o Emily Brown
Location: Southwest corner of Lester Road and Plymouth Sorrento Road
Tract Size: 5.86 +/- acres
Project Manager: Roxann Read

a. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes.**
b. He then asked if anyone from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2965.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2965.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

7. Ordinance No 2966 - Second Reading - Rezoning - 1829 Plymouth Sorrento Road

Owner(s): Kathy Eunhuilee Jung and Amy Chong Eunah
Applicant: Maury L. Carter & Associates, Inc. c/o Emily Brown
Location: Southeast corner of Lester Road and Plymouth Sorrento Road
Project: 5.86 +/- Acres
Project Manager: Roxann Read

a. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes.**
b. He then asked if anyone from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2966.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2966.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

8. Ordinance No 2968 - Second Reading - Amendment to Ordinance No 2449 - Mullinax Ford PD & Master Plan
Owner: Mullinax Ford of Central Florida, Inc.
Applicant: Florida Engineering Group. c/o Greg Crawford, P.E., P.S.M.
Location: North of State Road 436 and east of Roger Williams Road
Tract Size: 21.51 +/- acres
Project Manager: James Hitt & Jean Sanchez

a. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed the following changes:

Jim Hitt said the proposed use of the property as depicted on the Master Plan is consistent with the current Commercial Future Land Use designation as detailed within the Future Land Use Element of the Comprehensive Plan. He stated that the proposed amendment to the Mullinax Ford Planned Development (PD) is consistent with the Comprehensive Plan and Land Development Code and staff recommends approval of the Mullinax PD Master Plan amendment. He said this will just be graphics and said it won't have prices or lettering with "Bronco" or "Ford F-150" but said it's basically to show a nature type of picture with one of the vehicles in it. He said it can't contain any pricing or verbiage. He said the graphics are only be applicable within the Planned Development and will have no effect elsewhere within the Corporate City Limits of Apopka. He said they can change the graphics as frequently as semi-annually, subject to review and approval by the Community Development Department, prior to any change and will be subject to our normal sign permit fee. He said the graphics will be designed, installed and maintained to meet all applicable billing code requirements including wind-load specifications.

Commissioner Nesta asked if worse case scenario, they don't come back to get approvals and they start putting marketing material on this, does this become a Code Enforcement issue.

Michael Rodriguez stated yes, that would be a Code Enforcement issue at that time. He said at that point, what they have is signage that is inconsistent with the City sign code.

Commissioner Smith asked if all of this is in writing to which Jim confirmed yes.

Michael stated that under the previous approval for the PD, the PD was done under the previous LDC and said there was no actual Development Agreement which dictated the terms. He said because they sought an amendment to the PD, we've drafted a new Development Agreement that covers this project.

b. **Mayor Nelson** then asked if anyone from the Public wanted to speak on this matter.

Rogers Beckett, 7 W. Main Street, Apopka, FL 32703 asked for clarification as to what makes this lifestyle graphics and not signage. He said if you get into this realm, this will set a precedence.

c. **Mayor Nelson** asked if anyone else from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2968.
d. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to adopt Ordinance No. 2968.
e. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

9. Ordinance No 2969 - Second Reading - Annexation - Tyler Crusades
Owner: Tyler Crusades, Inc.
Applicant: GAI Consultants, Inc. c/o Andrew McCown, AICP
Location: North and east of U.S. 441, east of Apopka Airport Road and west of Hermit Smith Road
Tract Size: 40.14 +/- acre(s)
Project Manager: Jean Sanchez

a. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes.**
b. He then asked if anyone from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2969.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 2969.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

10. Ordinance No. 2976 - First Reading - Annexation - 1132 Plymouth Sorrento Road
Owners: Robert Grossenbacher 1/5 interest, Scott Grossenbacher and Todd Grossenbacher, 1/5 interest, Carolyn Ditch Trust 1/5 interest, Mary Frisbie 1/5 interest, Elizabeth Townsend 1/5 interest
Applicant: Standard Investments & Holdings, LLC
Location: 1132 Plymouth Sorrento Road
Project: 8.39 ± acres
Project Manager: Roxann Read

Roxann Read, Community Development said this is a request to accept the first reading of Ordinance No. 2976 and hold over for second reading and adoption on November 2nd, 2022. She said the location, as stated is 1132 Plymouth Sorrento Road and said the tract size is approximately 8.39 acres. She said the subject property is contiguous to the City limits and is eligible for annexation pursuant to Florida Statutes. She said the applicant intends to construct a commercial site on the property.

Commissioner Nesta asked if this will be a part of the Floridian Town Center to which Roxann stated it was Tony Benge. He said this is the same LLC as the RFP.

a. **Mayor Nelson** asked if there were any questions for Jean or if anyone from the Public wanted to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2976 at First Reading and hold over for Second Reading and adoption.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve Ordinance No. 2976 at first reading and hold over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

11. Resolution No. 2022-47 - FY22/23 Budget Amendment

Presented by: Edward Bass

Edward Bass said Resolution No. 2022-47 is a budget amendment resolution and said as you recall from your Consent Agenda items, this evening, you authorized the execution of the agreement of a 50-50 match award agreement for a grant toward the conversion of package plants of the mobile home parks within the City utility service area to City sewer. He said this is the funding that has the match. He said this is an impact fee match as you see here with the grant but said keep in mind that each of the mobile home parks will pay their 50% and said this is to appropriate the funding in advance. He said the agreements will have to come back to you as we work through these.

Mayor Nelson said the reason this is so important is that we have a 20 year B-Map and said over the next 20 years, we have to have a 70% reduction of Nitrogen and Phosphorus and said this helps us meet our B-Map without us coming out of pocket with the additional dollars. He said this is a great win for us and doesn't cost us anything but anything, it helps us drive our B-Map down and meet those nutrient goals.

Edward said the second item on this budget amendment is for your resurfacing that Deo spoke about earlier in the meeting. He said he had $1,800,000 allocated and said we're taking $1,200,000 from the General Fund Reserves and allocating that so he can complete and do all of those roads for a total of $3,000,000.

a. **Mayor Nelson** asked if there were any questions for Edward or if anyone from the Public wanted to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-47.
c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Nesta** to approve Resolution No. 2022-47.
d. Motion carried unanimously, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez said the Heart and Soul Music Festival was Saturday, October 8th. She said obviously, she wasn't invited and said she was offended and thought it was unprofessional to present the key to the City to the Isley Brothers when we weren't invited. She said the only Commissioner on stage was Commissioner Smith. She said the Council voted to open up the Amphitheater for promoters to come in for paid events. She said you had Regina Hill from Orlando and a commissioner from another City yet you didn't have any of the Commissioners representing our Council. **Mayor Nelson** said it wasn't "we". He said they invited them, not us. **Commissioner Velazquez** said she holds you responsible, Mayor and hopes in future paid events, that doesn't happen again as she felt it was disrespectful to those who didn't show up. She thanked Jerome Miller and said he was gracious and walked the entire concert with her. She said overall, it was a great concert. She said other than that, it was a busy month with the Heritage Month and said this past Saturday, Ms. Maribel Brickley from the Museum had the end of the month celebration and said she had a wonderful line up and said that same day, we had the Miss Apopka competition here and said we had 9 candidates and crowned one lucky young woman and her name is Sara Starbird, who is our new Miss Apopka, 2023. She said we also had on the 13th, Ms. Shantee, with Re-Imagine where she had the Night at the Museum which was sold out and very successful. She said we had a special guest, who was our reader and said the newly elected OCPS Superintendent, Ms. Maria Vasquez was there and said we really appreciated.

Commissioner Bankson said obviously, we're still getting rid of the storm residue here and said there was a wash out on Spring Glen Lane where the sidewalk collapsed but he's pleased that the City jumped in so quickly and the residents were very happy that we resolved that so quickly. He thanked staff for taking care of that. He said he was contacted by one of our citizens about our Workshop for South Apopka. He said they've requested because of different things going on that they would rather have a little more time. He said for him, Commissioner Elect, Becker will be a big part of that playing out and said he could give his perspective from where he's at but said the bottom line is what is best for the citizens and is it what the citizens want. He said he's willing to wait on this so that Commissioner Elect Becker can help shepherd how this moves forward.

Mayor Nelson said if you're asking him, it would give us the additional time to put this together. He said we just had our first meeting with the County so another week or so wouldn't hurt and would allow for a better workshop.

Commissioner Nesta said he's okay and agreeable to move the date as long as we commit to a date in November.

Commissioner Elect Becker said anytime, anyplace, he's ready for the conversation. He said in a workshop setting, he doesn't have to be at official capacity to lend a voice. He said he'll be there on whatever date Council decides.

Mayor Nelson asked how Wednesday, November 9th will work.

Council agreed to setting the date to Wednesday, November 9th at 6:00 p.m. in Council Chambers.

Commissioner Smith said he wasn't able to attend the Hispanic Celebrations they had at the Museum but he contributed to that event and understands it went off well. He said the residents from Clear Lake Estates have spoken during the last couple of Council meetings and said tonight they mentioned that a couple of Commissioners and the Mayor were out there. He said he operates a little differently and he has gone out to Clear Lakes and he observed what they were talking about with regard to the flooding so for the record, he did go. He said he also went to Sheeler Oaks during the flood to make sure that pump was working and he is concerned with our citizens.

Commissioner Nesta asked if the South Apopka will be at the VFW to which Edward confirmed it will be held here in Council Chambers. He asked if it's set up like an agenda or how it functions.

Michael said there will be an agenda and it's basically like a City Council Public Meeting. He said the difference is that there will be no official action taken. He said they're essentially information gathering opportunities where you can discuss among yourselves the various issues. He said opinions are split on the public comment and said the expectation is that if a local government holds a public meeting, the public has the expectation that they'll be able to participate. He said he'll issue a memorandum regarding that.

Commissioner Nesta said he feels that that's the whole purpose of this and said we need to hear from the public but hopefully, we can apply some consistent time limits. He said also we need to make sure this is posted on the website. He then asked whether the Reimagine Communities have their seed library and was hoping we could agree on a location for this and recommended City Hall grounds for this as it's a safe location. He said next, regarding National Night Out, it's been coming up more and more in reference to Rock Springs Ridge and many of us Commissioners live in that community and are on the receiving end of a lot of threats, harassment and dangerous behavior. He said one of the references state that he brought up that there was a safety issue at the Tavern parking lot. He said that parking lot not only is currently in active Code Enforcement violations but at the most recent board meeting, there was physical aggression toward him and he said acts of harassment have become criminal at this point toward elected officials specifically. He asked Chief McKinley to briefly address how things transpired that night as everyone thinks that he was responsible for cancelling that event.

Chief McKinley addressed this issue and said that Commissioner Nesta sent an email to Officer Wiggins about some of the conditions at the Tavern. He said he spoke with Commissioner Nesta by phone when this email was brought to his attention. He said in our discussion, we both agreed that it would be in the best interest of the community to continue with the event. He stated at no time did Commissioner Nesta try and talk him out of it and he accepted the Chief's position on continuing the event. He said he spoke with Officer Wiggins regarding the conditions of the parking lot because of the hurricane. He said Officer Wiggins met him at the Tavern and we looked at the conditions and there was no damage due to the hurricane but there were some pretty bad conditions out there to include a large hole in the ground where a propane tank had recently been removed and not covered up. He said at his request, the Fire Department came out and looked at everything and they contacted the propane company and they advised that at the time they removed the tank, they didn't have a replacement tank so they left the hole. He said we were going to have families and children out there so that was of concern however there were other things he observed that were also of concern. He said after his visit, he asked Code Enforcement to go back out there and look at the trash around the dumpster, trash around the parking lot as well as low trees that would impede a fire engine with a ladder, if need be. He said after that, he called Mayor Nelson and informed him of his findings and his recommendation that we move this to Silver Oaks. He said Silver Oaks had been planning a National Night Out, without our participation, and they had a big park to hold the event. He said Officer Wiggins and he went out to look at the park and the possibility of moving our event over there due to the conditions of the parking lot and the building at the Tavern. He said no Commissioner, the Mayor, City Administrator used any political pressure on him to make that decision and said that was solely his decision.

Commissioner Nesta thanked the Chief for his clarification and asked Michael how we handle the threats that we receive from people that don't agree on a particular issue or vote.

Michael Rodriguez stated that that would be a matter referred to what Florida Statutes mandates as to threats against elected officials. He said if there is a viable threat or if you believe there is a viable threat, he advised that he contact the Sheriff's office to conduct the proper investigation who would then refer the matter to the State Attorney's office if the crime is prosecutable.

CITY ADMINISTRATOR'S REPORT

Edward Bass said he had nothing additional to report.

CITY ATTORNEY'S REPORT

Michael Rodriguez said he had nothing new to report.

MAYOR'S REPORT

Mayor Nelson said the Heart and Soul Music Festival was a great event and said we had close to 4,000 people there. He said this weekend we have the Jerk Fest on Sunday and said we're starting to get some notoriety as far as our amphitheater and said some of the bigger promoters are looking at us as a place to come. He credits the Rec Department for putting together all of the free concerts that got people out, which in turn gained us recognition. He said we had a Walk for Freedom Event to benefit the fight against Human Trafficking and said that was held on Saturday, October 15th. He said this event started at Three Odd Guys and we had approximately 60 people participate in a 6 block walk. He said as an update to the Hurricane Ian debris pickup, we're at day 26 since the event and day 8 of the contractor debris collection. He said Crowder Gulch started collecting on

October 10, 2022 and have collected 18,197 cubic yards of storm debris and said the City's Sanitation Claw trucks have collected 250 tons of storm debris. He said about 60% of the first pass through the City has been completed and said City crews have been working weekends to make one complete pass of the City since the storm for yard waste bags, cans and bulky household waste and said they're trying to catch up and by next week they should be back to normal services. He said Crowder will start their crews on Friday, October 21st to remove the hanging limbs and leaning trees and the final pass for storm debris is expected to begin on October 31st. He said after that, it'll be subject to the normal charges. He said we have our own street sweepers but the contractor has ramped up their street sweeping as well. In addition, just today, our IT Department installed our Greetly Visitor Management Software program and said everyone that needs to come in to meet with someone has to put their driver's license in and it will read the license and register the person and print a name badge. He said we won't do it for City Council, DRC or Planning and Zoning meetings however. He said you have before you a copy of what the Business Tax Receipt letter looks like and said the first round will go out by the end of the week. He said he had a good meeting with Chris Testerman regarding the annexation of South Apopka and said we're looking at other annexations and said Tony Benge is trying to annex a couple of parcels that are currently in the County for the Floridian Center. He said the SNAP Program will be at the West Oaks Mall on Friday, Saturday and Sunday, October 28th, 29th and 30th from 7:00 a.m. until 5:00 p.m. daily. He said the Zumba instructor asked us to partner with the Apopka Farm Workers Association to host a Hurricane Ian disaster relief collection and that will be at the Fran Carlton Center from 9:00 a.m. – 12:00 p.m. noon on Saturday, October 29th. He said the Farm Workers will take what we collect down to Fort Myers. He said they're looking for non-perishable food, baby food, clothes, blankets, camping supplies, etc. Lastly, the Lake Apopka Eco-Bike Ride is this Saturday, October 22nd from 8:00 a.m. – 12:00 p.m. and said we'll be meeting at our birding park on Lust Road.

ADJOURNMENT
The being no further business the meeting adjourned at 10:38 PM .

____

Bryan Nelson, Mayor

Attest: ______________________________________

Susan M. Bone, City Clerk