CITY OF APOPKA MINUTES
Minutes of the City Council Meeting held on December 21, 2022 at 7:00 PM, in the City of Apopka Council Chambers.

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

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 read the fact of the day as follows: On December 21, 1891, 30-year-old James Naismith introduces the first game of basketball. Naismith invented the game as a way to engage bored and unruly students cooped up during the harsh winter months. Based on 13 rules created by Naismith, the game was tested by 18 students at the International Young Men's Christian Association Training School in Springfield, Massachusetts. Two teams of nine players each competed against each other, with the objective to throw a soccer ball into a peach basket attached to a balcony 10 feet above the floor. Thus, began the game of basketball.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of December 7, 2022.
    a. **Mayor Nelson** asked if everyone has had a chance to review and whether anyone had any changes or additions.

       Commissioner Becker said he had a minor adjustment under the Mayor's report on page 31, at the bottom where it says "Commissioner Becker stated that he believes it's a waste of time." He said he wants that qualified as what he said for the record was "absent the Gopher Tortoise conservation easement forfeiture, it would be a waste of time". **Commissioner Nesta** said while we're on that note, he doesn't understand what the point of our minutes are if we're going to semi write some parts and give a lot of detail to other areas. He said this puts a lot of strain on the City Clerk and their office and said he's hoping we can come to some sort of agreement of how we take notes moving forward. He asked if we could create a policy of how we can make them more consistent and said he thinks there's possibly some editing going on after meetings which he's okay with but if we have a policy that creates a rubric of how we do minutes, it will shorten our packets and make it more concise. **Mayor Nelson** said he'll look for direction from everyone and said he's sure the Clerk will do whatever you ask.

Commissioner Nesta said he's asking you guys and asked the Mayor what he feels as he's the Junior up here. **Mayor Nelson** said where we try to get more in detail is where there's more than just routine comments and said if there's something we're getting into the weeds on and there's dialog going between the public and us up here on the dais, we try and provide additional details however, whatever you like, we're more than willing to do. **Commissioner Becker** said he would prefer them to be exhaustive as depending on the channel in which they look at these City Council meetings, whether it be YouTube, attending in person or just read the minutes, it should be exhaustive to the point that people understand the spirit of the conversation, both sides. He added that we don't have a policy stated as such, there needs to be one and said he would think that the scribing of the minutes is the sole responsibility of the City Clerk and the City Clerk's office and should not be subject to any revisions, truncation or modification prior to the City Council looking at it at a formal state. He said if that "editing" is happening before this meeting, our policy should clearly state that that should not occur as it should be this body that determines the final record and said if we don't have this policy, we need to draft it for approval. **Commissioner Nesta** said it's his understanding that we don't have a policy like that and said his ask is that we come up with something within the next couple of meetings for this. **Commissioner Smith** said we need to be mindful as to how we do that as the residents have asked when they make public comments, that their comments be reflected in the minutes. **Commissioner Velazquez** said she knows we don't have a software and said the minutes are manually transcribed by the Clerk and her assistant and can be very time consuming and said it would be advantageous to look into a software. **Commissioner Becker** said we use 365 and if you hit the CC button, it will transcribe the closed caption and it's pretty accurate**. Rob Hippler,** stated that currently, our system is not 100% functional in here and said we do have CC however the problem with that is it can misunderstand what you say. He said we also have the video going out to YouTube which is captioned but the connotation is different. He said it's not 100% but said will have captioning software that we should have in the next month or so, when we get the remaining hardware in and we should be in a better position once we turn on the CC however, we can also look at other verbatim software as well.

b. **Mayor Nelson** asked if there were any additional comments and hearing none, he asked for a motion to approve the meeting minutes, as read.
c. **Motion** by **Commissioner Smith** and seconded by **Commissioner Becker** to approve the meeting minutes, as read.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

PRESENTATION

1. Foliage Sertoma Club Parade Awards
   Presented by: Lorena Potter, President of Foliage Sertoma Club

   Mayor Nelson called upon **Lorena Potter** to present the Foliage Sertoma Club Parade award winners. Ms. Potter said this was our 46th annual parade, put together by the Sertoma Club and co-sponsored by the City of Apopka. She expressed her appreciation for all of the support from the City as well as the community organizations, local businesses, as well as all of the spectators that came out to enjoy the parade. She said she's honored to announce this year's winners as follows: **Best Band - Apopka Blue Darters**; **Best of Theme** - t**he Apopka Elks Club** ; **Most Creative n- Old Kinderhook Glass**; **Best Float - Kings Landing Adventures** ; **Best Marching & Preforming - MGA Gymnastics**; and **Special Recognition - J & J Tree Service.** She said she looks forward to next year's parade.

2. Apopka Pop Warner 14U National Championship
   Presented by: Mayor Nelson

   Mayor Nelson introduced the Apopka Pop Warner 14U National Championship team and said winning is a tradition in Apopka and called upon **Coach Robinson** who presented the 2022 14U National Champions. He said we played Deer Valley and the final score was 20-16 and we won.

3. Apopka High School Bowling State Championship
   Presented by: Mayor Nelson

   Mayor Nelson said speaking of winning traditions, this Apopka High School Bowling team is now the only boys bowling program in Florida to claim 6 Championships. He said the next highest boy's program is 2. He said they swept the boys competition 3 times in total and have more than one State Champion; 4 entries claiming State Individual Championships; and bowlers claiming team and individual State Championships at the same State Championship meet. He said what an amazing record for the Apopka Bowling Team. He called upon the Coach who said as you may know, he's been here many times and can't say enough that they went undefeated this year at State and the last 6 years undefeated for Districts and to say they've won 6 State Championships is unbelievable. He said this year, we had an individual winner; 4 made it to individuals and one that won 1st place making this the 3rd individual championship we've had. He said they will compete this year in Ohio for a National Championship and said he can't say enough and wishes he could bowl like these guys and said out of the top 5 bowlers, the lowest average was 223 for the season.

AGENDA REVIEW

Mayor Nelson asked Edward if there are any changes to the Agenda to which he stated there were none.

PUBLIC COMMENT PERIOD

Dennis New, 105 W. Magnolia Street, Apopka, FL 32703 gave the Council a copy of the Baltimore Firefighter Line of Duty Deaths, by their safety committee. He stated that he has seen on social media and other new outlets that the Apopka Safety Committee is not going to investigate the accident, involving Austin Duran. He also stated that he heard that firefighters are resigning from the committee, because of this, and that they feel that it is not a full commitment from the city and from the accident committee itself. He stated that the reports that he gave to the council is of a completed investigation into the recent deaths of firefighters; this was done in Maryland, and there is no State law that requires a safety committee to be in place. This safety committee was convened within two weeks of the accident and the report was completed and the results of the report caused a lot of people to resign, because the fault was theirs. He went on to state that Austin's accident happened on June 30th and nothing has happened within the City's own safety committee. Not one person has been held accountable and of the people involved, including the Mayor, have received the largest pay raises, the City allows. He asked how can he get a copy of the letter that Mr. Wylam webbed to the committee, he understands that the committee members asked for it, but were not allowed to have a copy. He asked the Council to please take time to study the Baltimore report. He stated that Florida State Law requires a safety committee and questioned where was the safety committee, prior to Firefighter Austin's accident. He stated that if the accusations are true that the safety committee does not have the property investigative skills on their board, how is it that they have been placing blame of accidents on people and docking their pay. Once again, he asked that they council take a deep dive within this investigation.

Ace Woodham, Jr., 47 E. Magnolia Street, Apopka, FL 32703 stated that he spoke with Mayor Nelson three years ago, about the safety of the firefighters, as soon as he appointed Sean Wylam, as Fire Chief. He stated that he had the same concerns and the concerns have not yet been addressed. He stated that a young man lost his life, because of negligence, because someone could not stand up and do their job properly. He expressed his concern of Chief Wylam being a good firefighter, but not 'administrative personnel.' He stated that he needs to be removed immediately.

Albert McKimmie, 3603 Golden Gem Road, Apopka, FL 32712 stated that at the last meeting, Mr. Hitt confirmed that planned development was expected to be at a maximum 500-600 homes per year and the projection was based on a five-year cycle. So, in any five-year cycle, they would predict a maximum of 3,000 new homes; however, currently there is planned development of 3,500 homes on Golden Gem Road alone. He also stated that Mr. Hitt further confirmed that as of March 2022 there were 9,900 homes, developed, under construction, or in the process of application; that is a 330% increase of the maximum projection of 3,000 homes, or the five-year cycle. Currently Florida is stated to have four of the largest growing cities in the United States and that does not include Apopka. Average growth of these nominated cities is about twenty percent. In 2021 Apopka had 55,000 people recorded on the census; at only an average of three (3) people per home to these 9,900 homes, we increase the population by 29,700. That growth is over 53%. That should ring alarms. Because of the lack of school places, our children must bussed to nearby schools or housed in temporal buildings. He stated that he would like to know the results of the combined figures, for the county and the city. He would also like to know how many more homes have been added to the development, since March of 2022. He would like to know when the City will have a complete comprehensive plan, for the schools and roads; no short times fixes that are based on flawed studies and modules.

Lynetta Johnson, 255 Lancer Oak Drive, Apopka, FL 32712 stated that the annexation meeting on 11/29/22 was a great fact-finding meeting; however, the council-leadership should have concluding the meeting with an apology to the people that live on the southside of Apopka, on behalf of the City of Apopka's longstanding stance of disparate treatment of African Americans, along with a tentative follow-up meeting in 2023. She thanked Commissioner Smith, Leroy Bell, and Slvester Hall for sharing their knowledge of the disparate treatment in the South Apopka. She stated that this summer, Commissioner Becker and herself spoke at a campaign forum and the topic of One Apopka was asked. She stated that she expressed solidarity and having One Apopka and brought forth ideas of an IGA and a governmental agreement, should One Apopka occur; along with a strategic forecast of migration of the southside of Apopka. During the forum she spoke of her own occurrences of racism, while living in Altamonte Springs and was very aware of the racism in Apopka, as she used to come to Apopka, as a teenager in the 80's. She stated that the PowerPoint shown at the meeting illustrated the startup costs associated with annexation; however, it failed the explanation of migration based on a hierarchy of needs, if annexation is to move forward, not all will happen at once. She went on to state that on June 16, 2022 the Boston City Council unanimously approved a resolution for apologizing for the City's roles in a transit manic slave trade. The counselor, Fernandez Anderson, who proposed the resolutions said that a formal apology represents an opening as the City looks to address the harms that were caused by slavery. Glendale, California has a history of excluding African Americans that go back to the 1930's; on October 13, 2020 Glendale City Council has responded with a promise to address racial bias in the city, starting the unanimously passing a resolution apologizing for condemning its history, as a sundown town. Glendale City Councilman, Mr. Brodmann says that the resolution is mostly symbolic, it's also a first step in creating a more equitable city. On June 19, 2018 Charleston, South Carolina, port-city were about 40% of enslaved Africans were brought to North America landed, after being taken from their homelands, as become the latest city to apologize for its role in the slave trade. She stated that he is a United States Air Force Veteran, she is not a natural citizen, she was born and partially raised in Germany. She was very aware of the disparate treatment and genocide of the Jewish people. Germany has decided to remove all historical artifacts related to Adolf Hitler and replace the history of Hitler with their version of CRT: Critical Race Theory. She went on to state that at the last annexation meeting there was a statement that there was no representation from South Apopka; however, that is incorrect, there were a lot of people that work in South Apopka, have family in South Apopka, that work with the children and the churches. They may not have been the people that live there, but they were the voices that spoke for them.

Rev. Alex Robinson, 1997 Meadow Crest Drive, Apopka, FL 32712 addressed Rogers Road and the need for sidewalks. He stated that he was driving down the street and you cannot see anyone when they come over the hump, he was going less than 35 mph and he almost hit a lady pushing a baby in a carriage. He asked the commission to please put sidewalks in. He stated that there were just 300 houses added in that area.
Pam Richmond stated that this project will be one of the first for this fiscal year. She did find two contractors; that was part of the problem, the cost of the job and our procurement rules. She believes that they can just go out and lay it out, but there may need to be design work done. **Commissioner Nesta** asked if we need to work with the County on this one, because it is a County Road and **Pam Richmond** stated that it is one of the 50% roads and we have crossed the 50% threshold, so it is 100% ours. **Commissioner Velazquez** asked if we will be putting lights

on that road and **Pam Richmond** responded that we put what we could out there. When she spoke to our Duke liaison, the problem with the lights out there is that there is not the right kind of infrastructure, but that is on the list of things to do, as well. **Commissioner Velazquez** asked if when can incorporate where we feel we need lights, when we start the sidewalks. **Pam Richmond** said that we are at Duke Energy's mercy, they first must come out and design it and calculate a fee for us, and bring the correct kind of electricity in. **Commissioner Nesta** asked for a ballpark price to put lights in and **Pam Richmond** reiterated that it depends on what type of electricity they must bring in. If it is a place where they can just 'hang a light' it would just be the $6 a month, but if they must bring transformers it could be $100,000.

Sylvester Hall, 3091 Rolling Hills Lane, Apopka, FL 32712 stated that he received a text message that the Mayor and another group were having a secret meeting about the golf course at Rock Springs Ridge. He stated that the average home in Rock Springs Ridge is about half a million dollars and he believes that they golf group is really trying to find a way to build homes on that course. Right now, you can only build seventeen homes, but right now there is someone looking to build over three-hundred homes there. He went on to state that the council was sworn in to serve the citizens of Apopka and not self. He stated that he will pray for the mayor and for himself and wished everyone a Merry Christmas.

Michael Duran, 11504 Almo Court, Clermont, FL 34711 stated that his came him tonight with a different idea of how to address the council and to express his unhappiness with what is still going on with the Fire Department. He stated that the fact that we had two senior firefighters resign from the Austin Duran Safety Initiative should be alarming to everyone. He urged the council to investigate what is going on and not just what is talked about. He stated that he was highly offended by the Mayor's statements, during his press release and the bragging right that it appears he is taking. To boast about hiring a Training Chief and a Health and Safety Chief and 18 Firefighters; the City would not have done that without the incident with Austin. He stated that it is progress that we are making, but it is not enough; he asked that it not be bragged about. He stated that the Mayor spoke about the State Fire Marshall's report and stated that there were eight points that the City could be graded on and we only failed one; that one was training. He stated that that is why his son is dead, because he was not trained, on that. He stated that the Mayor shrugged his shoulders when asked if he can elaborate on the training and his response was 'training.' Mr. Duran stated that he has the State Fire Marshall's report and it was training on operation procedures, vehicles, and equipment. Also, on proper use of equipment used for fire department operations, evaluate purpose of safety procedures and all equipment, prior to placing in service. And yes, the City did get a notice of violation. He stated that the Mayor focused on what the City was doing to further the fire department, not what the fire department has been pushing for and what his family has been pushing for and he found it highly offensive that the Mayor took that direction. He stated that everything that has happened will continue to happen because we continue to push for these changes. **Commissioner Becker** asked was the fire safety committee instructed to cease their post critique incident investigation. **Mayor Nelson** stated that he did not tell anyone that. **Commissioner Becker** stated that certain members of the fire department made a very clear representation that there was guidance from the Fire Chief and/or the City Attorney to stand down on the post incident critique; he questioned if that is false or true. **Michael Rodriguez, City Attorney,** stated that he will not elaborate on any type of legal discussions that he had with staff, concerning what is a legal matter, especially in relation to the filing of the Notice of Action, by the Duran Estate against the City of Apopka. He stated that he did not direct the Safety Committee to do anything. He went on to say that he has told the council before, that as City Attorney, he does not have the authority not shall he ever exercise the authority to direct staff to do anything. His role/position is to council he department on legal matters and that is what was done. He stated that the department came to him and asked for legal counsel and he provided legal counsel and he advised the department that in the end, it is the department's Chief, as his authority, to decide one way or another. But an assertion that the City Attorney directed anyone to do something is patently false. **Commissioner Becker** asked Chief Wylam if he instructed the safety committee to cease their post incident critique regarding Austin Duran and **Chief Sean Wylam** stated that after consulting with the City Attorney, he concluded that it is the best at this time to postpone the post incident critique. It's not that it is not going to happen, at some point, but based on the legal matter ahead of us, he thought that it was best for the department. **Commissioner Becker** stated that there is State Law that provides guidance on safety committees, how they run, who should be on them, etc. and asked if we are not putting ourselves at greater risks of an incident happening to the next Austin Duran. Chief Wylam stated that he believes there is a misunderstanding of the Safety Committee and what their role is. He stated that they post incident critique is going to look at the operation of the incident, not the incident itself. The incident was investigated by the State Fire Marshall and is also being investigated by NIOSH, who are subject matter experts. We also hired a third party, Gannon who is looking at the holistic approach of our entire department, not just the incident itself. A post incident critique will not dive into incident itself. **Commissioner Beker** asked why were the members of the Fire Safety Committee under the impression that it was and why did it take that long for that directive to work its way down to the committee members. **Chief Wylam** said that they were planning on doing a post incident critique almost immediately, but they were advised by legal counsel. **Commissioner Becker** cut in stated so we are putting ourselves at potential risk, by not doing an investigation of internal processes from the safety committee that could uncover potential areas for improvement. If the state Fire Marshall found one, in their report, and those are people outside of our agency, we have more intimate knowledge of our own processes and procedures, our equipment and people, our resources, etc. For them to be told to stand down, he was curious. He asked if Chief Wylam has the written order telling them to stop and **Chief Wylam** said no. **Commissioner Becker** asked how was that communicated and **Chief Wylam** said through the chair of the safety committee. **Commissioner Becker** stated that, from his understanding, a record was read out loud and asked if Chief Wylam if he has a written record of what he wanted the Chairperson to report and **Chief Wylam** stated yes. **Commissioner Becker** directed a question to Edward Bass, City Administrator stated that they received the report, from September 8th, that was distributed by the Mayor today, that the performance review for Chief Wylam was conducted and signed in November. He asked why is it that if we have found major findings of deficiencies, in terms of training, that could potentially have led to the death of Mr. Duran, would he receive a perfect performance review. **Edward Bass** stated that during his evaluation period, during the budget hearings, he implemented those safety initiatives based on incidents that have happened. He hired those positions, he instituted the Safety Committee, he put those plans together, so during that period he performed those functions and duties that he was to perform as the Chief. He went on to stated that they will be watching and all the new reports, findings, etc. will be in his next review period. **Commissioner Becker** stated that his recommendation is to reinstate the safety committee and explore the continuation of the post incident critique. **Commissioner Nesta** stated that he is tired of being embarrassed as a City, in terms of how we are dealing with issues. The press conference today and the fact that we are getting this after the press did, is embarrassing. He stated that how you talked about Austin Duran, during that press conference, was disgusting and the fact that we are putting any sum of money above lives, blows my mind. **Commissioner Smith** addressed the City Attorney stating that the Chief responded that his decision was made after consultation with him; he stated the he did not direct him to do so, but asked that after the decision was made, does the City Attorney think that it was the right one. **Michael Rodriguez** stated that it is very difficult to discuss potential litigation strategies and other legal matters, without this being done in executive session. He stated that he will not go into potential litigation matters and issues, because this matter is related to a notice of claim and such a notice of claim is then run through our risk management department and then goes through our issuer. He stated that any further meetings, discussion, or issues relating to potential litigation without having our proper counsel involved and informed, he thinks is irresponsible and reckless in regards to the legal interests and potential legal defenses of the City of Apopka. It is for that reason that he provided counsel to the fire department that these are issues that we need to address and need to be concerned with. He did not direct them to stop and he did not counsel them to stop. **Commissioner Becker** asked when was council going to be made aware that a notice of action was filed and **Michael Rodriguez** stated that he advised staff and it has gone through risk management, but he has not received an update from risk management of the status. **Commissioner Becker** stated that the notice of claim was filed on October 18th and this is December 21st and this is the first time that he has official notification that it exists. **Mayor Nelson** asked Michael if we can have an executive session, before the next council meeting, to bring everyone up to speed and **Michael Rodriguez** stated that we can have it scheduled for the next council meeting.

Gail Duran, 908 Southern Oak Lane, Apopka, FL 32712 asked why was the post incident critique not done before the October filing. He also stated that he can't believe that the City Attorney does not know what has been done, from the claim, it if has been delivered to her, in writing. She went on to state that public record indicates that Chief Wylam and John Howell received perfect scores on their annual evaluations; she asked how can that be, how can that happen? Her son died on their watch and they received perfect scores and raises. She stated that they did not have various assess registered, like the sand trailer, their firefighters were not trained on them, and on that day, they were not supervised while using them. The State Fire Marshall's report was indicated on 9/12, two months before the review was written.

Bobby Sanders, 4404 Jason Dwelley Parkway, Apopka, FL 32712 stated that he is very proud of Apopka and the team or leaders. He stated that in politics, it becomes ugly. He stated that for anyone to blame Bryan Nelson and his wife, for the horrible accident; mistakes happen and horrible things happen. A community together is to work together and not crucify someone when a terrible thing happens. He stated that Bryan Nelson is a good man and he hopes that everyone can find it in their heart to give him compassion, as a person. **Commissioner Becker** stated that the only person that ran against Mayor Nelson is himself and he has said it before, he lost that campaign. He stated that there are facts on the table and there is no disputing those facts; facts are, we lost a valuable member within this department. **Commissioner Velazquez** stated that the resignation of the two members was concerning to her, also at the press conference there were statements made about the members that did resign, to discredit their capability of continuing to serve. We pushed to have the safety committee in place and it was post Austin Duran's death. It was important to everyone that we put Austin's life above everything and safety committee was convened specifically to investigate this in a timeline. He feels that's the direction that he safety committee was going. She stated that she would like to have the safety committee reinstated and two new members put it and they continue to do what the committee was designed to do.

CONSENT (Action Item)

1. Authorize the Mayor to sign an interlocal agreement between Apopka Police Department and Maitland Police Department for use of Apopka Police Department's firearms range.
2. Authorize the Mayor to sign a Recreational Professional Services Agreement with Music to My Mind
3. Authorize the Police Chief to sign and accept the FDOT Enforcement of Impaired Driving Grant.
4. Authorize the Police Department to dispense funds from the Federal Law Enforcement Trust Fund for investigative buys and undercover operations.
5. Authorize the Fire Department to accept the donation of one Pro Series Restaurant Range from Lake Apopka Natural Gas District.
6. Accept the disbursement report for November 2022.

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

BUSINESS (Action Item)

1. Approve allocation of Coronavirus Relief Funds for the Citywide LED Lighting Conversion Project
   Presented by: Deodat Budhu

   Deodat Budhu, Public Services Director said this item is to request approval for a Citywide LED Lighting Conversion. He said we're proposing to convert all of the existing lighting to LED lights at the City Facilities, as noted in the Staff Report. He said we've estimated the cost at $450,000 and said this fund was earmarked at the October 19, 2022 City Council meeting to be funded from the Coronavirus Relief Funds. Staff requests approval to release this funding for this project. **Commissioner Becker** said as discussed, this item as well as items 1-4 were all previously allocated in the October 19th meeting, you referenced. In addition, we discussed having the proper warranties in place for the LED lights in the event they go bad. **Deodat Budhu** stated the lights come with a 5 year manufacturers warranty. **Commissioner Velazquez** asked if we're setting up a maintenance program in order to check them after the 5 year period. **Edward Bass** said Commissioners, if you recall, we talked about the savings we'd get from this for up to a 5 year payback period. He said he'll come back to you after a year of operations to show you all the savings.

   a. **Mayor Nelson** asked if anyone from the Public had any questions on this matter.
   b. Hearing no additional questions, he asked for a motion to approve the allocation of Coronavirus Relief Funds for the Citywide LED Lighting Conversion project.

- **c.** Motion by **Commissioner Smith** and seconded by **Commissioner Velazquez** to approve the allocation of Coronavirus Relief Funds for the Citywide LED Lighting Conversion project
- d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

2. Approve allocation of Coronavirus Relief Funds for the Fran Carlton Restoration Project
Presented by: Deodat Budhu

Deodat Budhu said item #2 is regarding the Fran Carlton great room restoration. He said this restoration includes the replacement of the ceiling tile, insulation, drywall, replacement of the accordion separator wall and floor replacement. He said we've estimated the cost of this renovation to be approximately $250,000 and said this fund was also earmarked on October 19, 2020 at the City Council meeting to be funded from the Coronavirus Relief Funds. He said staff request approval to release the funding for this project. **Commissioner Smith** asked if we have an idea of how long this particular project will take. Deodat said approximately 3 months. Mayor Nelson said we'll try and do this with a minimum disruption in events. Deodat Budhu stated we'll try and do the majority of the work between from February 27th until March 23rd in order to maintain regular activity functions.

- **a.** **Mayor Nelson** asked if anyone from the Public had any questions on this matter.
- **b.** Hearing no additional questions, he asked for a motion to approve the allocation of Coronavirus Relief Funds for the Fran Carlton Restoration project.
- **c.** **Motion** by **Commissioner Nesta** and seconded by **Commissioner Becker** to approve the allocation of Coronavirus Relief Funds for the Fran Carlton Restoration project.
- d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

3. Approve allocation of Coronavirus Relief Funds for the City Hall Area Grounding and Lightning Suppression Project
Presented by: Deodat Budhu

Deodat Budhu said item #3 is regarding the grounding and lightning suppression project. He said the electrical grounding and lighting surge protection of City Hall; Fire Station #1 and the VFW is very deficient. He said these facilities are predominately due to lighting strikes, which affect the computer system; heating and ventilation system; and other electronics. He said we have a consultant that provided a proposal to evaluate the situation and formulate a recommendation plan to correct the deficiencies. He said this is an old system and we can't diagnose what is creating the problem. He said the estimated cost for this is approximately $250,000 for the entire retrofit, including the assessment costs. He stated that this funding was earmarked at the October 19, 2022 City Council meeting to be funded from the Coronavirus Relief Funds. The request is to release the funding in the amount of $250,000 so we can proceed with this project.

a. **Mayor Nelson** asked if anyone from the Public had any questions on this matter.
b. Hearing no additional questions, he asked for a motion to approve the allocation of Coronavirus Relief Funds for the City Hall Grounding and Lightning Suppression Project.
c. **Motion** by **Commissioner Velazquez** and seconded by **Commissioner Becker** to approve the allocation of Coronavirus Relief Funds for the City Hall Grounding and Lightning Suppression Project.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

4. Approve the Contract with Stage Door II for construction of a Stormwater Conveyance System Along South Highland Avenue, between East 7th Street and East 8th Street, and on the City of Apopka property.
Presented by Vladimir Simonovski

Vladimir Simonovski, Design Engineer said what you have in front of you tonight is a request to approve the contact with Stage Door II for the construction of a Stormwater Conveyance System along S. Highland Avenue, between E. 7th Street and E. 8th Street and on the City of Apopka property at a cost of approximately $186,525. He said the City has determined that improvement of the major drainage ditch traveling through the area of south Apopka and conveying runoff from this section of town to Martin's Pond, located at the interchange of U.S. Highway 441 and State Road 436, is needed for ease of operation and maintenance of its stormwater program. He stated that this work is planned in phases, beginning just north of the intersection of South Highland Avenue and East 8th Street and traveling across the City owned property, located just north of the current City of Apopka Streets Operations and Maintenance complex. Constructing the stormwater conveyance system along this route will create an opportunity to combine the two City owned properties into one, generating approximately additional 0.43 acres for future development. Stage Door II has provided an official quote to perform this work based of their active Infrastructure Repair and Replacement Contract with the Board of County Commissioners Orange County, Florida (Contract Number: Y20-1054B). This Contract was approved by the City Council on October 5, 2022, as a "piggyback" contract. He said this project was funded through the Coronavirus State and Local Fiscal Recovery Funds and was approved on October 19, 2022 in the amount of $200,000. **Commissioner Velazquez** asked why the cost is $186,000 and you're asking for $200,000. **Vladimir** stated that the balance will be used for contingencies.

a. **Mayor Nelson** asked if anyone from the Public had any questions on this matter.
b. Hearing no additional questions, he asked for a motion to approve the Contract with Stage Door II for construction of a Stormwater Conveyance System along S. Highland Avenue, between East 7th Street and East 8th Street, on the City of Apopka property.

c. **Motion** by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve the Contract with Stage Door II for construction of a Stormwater Conveyance System along S. Highland Avenue, between East 7th Street and East 8th Street, on the City of Apopka property.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

5. Authorize the Mayor to execute Purchase and Sale Agreement between City of Apopka and Robert Rausch for the property located at 562 Snowden Road, Apopka, Florida Presented by: Michael Rodriguez

Michael Rodriguez, City Attorney, said what you have before you is the request to approve and execute the Purchase and Sale Agreement between the City of Apopka and Robert Rausch for the purchase of real property located at 562 Snowden Road, Apopka. He said as you may be aware, this is the property that was brought earlier requesting the resolution and necessity as this was part of the conjunction of parcels to complete the stormwater retention area. He said the resolution and necessity was needed in order to begin the first steps for possible condemnation, and at that point, he also stated that this was a property that the parties were going to be able to settle and effectuate a sale without any eminent domain proceedings. He said the parties came to a resolution and agreed on the purchase of the real property for the appraised value. He said the parties also agreed as part and in order to effectuate the sale and the personal property located on the property, He stated that the Sellers representative has reviewed the contract and has agreed with the terms presented. He said the ask is to authorize the Mayor to execute the Purchase and Sale Agreement on behalf of the City and move forward to a sale and closing in January of next year. **Commissioner Nesta** inquired as to the notice we did and asked if that was in effect to buy them more time. **Michael** explained that the reason for the notice was that the seller indicated that they wished to enter into a 1033 Exchange and under a 1033 Exchange, that allows the seller to reinvest the proceeds of the sale with an additional amount of time without being subject to taxation. He stated that one of the prerequisites for a 1033 Exchange is that the sale is done under threat of condemnation or eminent domain. He further stated that the resolution of necessity is sufficient evidence that the property is being sold under the risk and threat of eminent domain proceedings. He said there is a term in the contract in which the City will cooperate with the seller and will not interfere with the sellers attempt to effectuate a 1033 Exchange. **Commissioner Nesta** then asked if there was a house on the property or if it was vacant land to which **Michael** stated that it's vacant with some personal property storage. He said the parties agreed that in order to effectuate the sale would be to complete the purchase of the personal property, which can then be used by the City, if suitable. **Commissioner Nesta** asked if we don't find it suitable to use, would we then sell it and offset that cost. **Michael** stated that we'll cross that bridge when we get to that point. **Commissioner Becker** inquired that we are going to document all of those assets on the tangible personal property list as City assets that the City plans to use. **Michael** stated that is the intention.

a. **Mayor Nelson** asked if anyone from the Public had any questions on this matter.

b. Hearing no additional questions, he asked for a motion to authorize the Mayor to execute Purchase and Sale Agreement between City of Apopka and Robert Rausch for the property located at 562 Snowden Road, Apopka, Florida.

c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to authorize the Mayor to execute Purchase and Sale Agreement between City of Apopka and Robert Rausch for the property located at 562 Snowden Road, Apopka, Florida.

d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

6. Authorize the Mayor to purchase Right-of-Way for the extension of Peterson Road
Presented by: Pam Richmond

Pam Richmond said this is a request to allow for the purchase of a small parcel of land to be used to extend Peterson Road. She stated that the developer is currently building on the site and he offered it to us originally for $80,000, which he thought the appraisal value was. She said we had it appraised and it appraised at $54,000 and the developer agreed to sell it to us at that price. We'll need that property when we extend Peterson Road.to the West which will ultimately connect to Shelby Industrial Drive. She said there's a large development coming in on the west called Mid-Florida Logistics South and said she expects that they'll help us design and construct that road and said it will be beneficial to their site. She said this will avoid a taking by Eminent Domain later.

a. **Mayor Nelson** asked if anyone from the Public had any questions on this matter.

b. Hearing no additional questions, he asked for a motion to authorize the Mayor to authorize the Mayor to purchase Right-of-Way for the extension of Peterson Road.

c. **Motion** by **Commissioner Smith** and seconded by **Commissioner Nesta** to authorize the Mayor to purchase Right-of-Way for the extension of Peterson Road.

d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2970 - Second Reading - Small Scale Future Land Use Amendment - Tyler Crusades
Owner(s): Tyler Crusades, Inc.
Applicant: GAI Consultants, Inc. c/o Andrew McCown, AICP
Location: North and east of U.S. 441, east of Apopka Airport and west of Hermit Smith Road
Tract Size: 40.14 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there were any changes which Jean Sanchez stated there are no changes.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2970.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Becker** to adopt Ordinance No. 2970.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

2. Ordinance No. 2971 - Second Reading - Change of Zoning - Tyler Crusades
Owner(s): Tyler Crusades, Inc.
Applicant: GAI Consultants, Inc. c/o Andrew McCown, AICP
Location: North and east of U.S. 441, east of Apopka Airport and west of Hermit Smith Road
Tract Size: 40.14 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there were any changes which Jean Sanchez stated there are no changes.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2971.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 2971.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

3. Ordinance No. 2977 - Second Reading - Future Land Use Amendment - 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
Tract Size: 8.39 +/- acres
Project Manager: Roxann Read

Mayor Nelson asked if there were any changes which Jean Sanchez stated there are no changes.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2977.

c. Motion by **Commissioner Becker** and seconded by **Commissioner Smith** to adopt Ordinance No. 2977.
d. **Motion carried 4-1,** with Mayor Nelson, and Commissioners Becker, Smith, & Velazquez voting aye, and **Commissioner Nesta** voting nay.

4. Ordinance No. 2978 - Second Reading - Change of Zoning - 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
Tract Size: 8.39 +/- acre
Project Manager: Roxann Read

Mayor Nelson asked if there were any changes which Jean Sanchez stated there are no changes.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2978.
c. Motion by **Commissioner Becker** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2978

****Mayor Nelson called a brief recess to allow all members of Council to be present for the vote.**

**** Mayor Nelson called the meeting back to order and asked that the Previous Motion be withdrawn. He then called for a new Motion.**

d. Motion by **Commissioner Becker** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2978.
e. **Motion carried 4-1,** with Mayor Nelson, and Commissioners Becker, Smith, & Velazquez voting aye, and **Commissioner Nesta** voting nay.

5. Ordinance No. 2986 - Second Reading - Annexation - Soil Blending Properties
Owners: Soil Blending Properties, LLC
Applicant: Soil Blending Properties, LLC – Michael Dinkel
Location: Hermit Smith Road
Existing Use: Vacant Land
Tract Size: 10.07 ± acres
Project Manager: Roxann Read

Mayor Nelson asked if there were any changes which Jean Sanchez stated there are no changes.

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

b. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2986.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 2986.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

6. Ordinance No. 2987 - Second Reading - Annexation - CFX Property
Owner(s): Central Florida Expressway Authority
Applicant: Central Florida Expressway Authority c/o Lisa Lumbard
Location: Southwest corner of Peterson Road and SR 429
Tract Size: 6.0 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there were any changes which **Jean Sanchez** stated that the applicant has requested that this item **be tabled to a date certain of February 15, 2023**, due to contractual obligations.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he asked for a Motion to **table Ordinance No. 2987 to a date certain of February 15, 2023.**
c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Smith** to **table Ordinance No. 2987 to a date certain of February 15, 2023.**
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

7. Ordinance No. 2988 - First Reading - Establishment and Regulation of Noise Standards
Presented by: Michael Rodriguez

Michael Rodriguez said before you is draft Ordinance No. 2988 and said this is the "Noise" Ordinance. He said as is drafted, the Noise Ordinance is modeled after and consistent with Orange County's Noise Standards and said a lot of the same objective standards regarding decibel levels in excess of the codified provisions will constitute noise violations. He said everyone has had the opportunity to review this and said in order to allow for ease of interpretation and enforcement, and said this was modeled after Orange County's and was done purposefully for cooperation between the City and the County. He said he's reviewed other noise ordinances from the surrounding municipalities and all of the standards in this noise ordinance are objective and are easily measurable. He said the Supreme Court has ruled that noise ordinances that won on a subjective standard are unconstitutionally vague and have been stricken. He said having such regulations that are open to interpretation would make things difficult for the Police Department to enforce. He said the enforcement will be done through the Police Department by Civil Citation and said the offending parties will not be brought to County Court. He said if the offending party wishes to appeal their Civil Citation, the matter is then handled through our Code Enforcement Special Magistrate. He said of importance, upon the effective date of this Ordinance, the Police Department will not immediately issue a Civil Citation the next day as they will need to draft Administrative Policies and Procedures as well as acquire the proper instrumentation to properly enforce the Ordinance. He stated that the Police Department is working with their legal team to implement those administrative policies in the future for the proper enforcement and administration of this Ordinance. He said one of the things we've also added is a variance mechanism for Special Events which may potentially run a foul of the noise ordinance. He said there is a provision for the party to come in and ask for a variance which will be approved through the Community Development Department and the Development Review Committee. He said this will include notification of the surrounding property owners. He said City events will be exempt from these provisions. **Commissioner Velazquez** asked how that is handled on a commercial level such as a gas station where people gather and play loud music**. Michael** stated that if the receiving property receives the noise and it exceeds the decibel level, it will be a violation however, if the noise is under the decibel level or the noise is not readily available, it will not be deemed a violation. **Commissioner Nesta** asked if we have a timeline for the Policies and Procedures to which Michael deferred to Chief McKinley. **Chief McKinley** said we're not going to start a policy until the ordinance is in place and has been tweaked. He said we'll need to make sure the ordinance aligns with the accreditation standards and said we'll have some work ahead of us. We need to print citations; purchase the decibel meters, making sure they're from a company where we know we can have them calibrated every six months. He said the company we hired to calibrate our speedometers and radar detectors has recommended some devices that they can calibrate. He said he estimates it will take 3-4 months to get this accomplished. In addition, we need to do significant training with all of our Police Officers. **Commissioner Nesta** asked about Car Washes to which Chief said he's asked this question at DRC and said most car washes will be closed during the time when the noise ordinance would be implemented. **Commissioner Becker** asked if any passing of this ordinance be punitive to you and your ability to enforce it. **Chief McKinley** stated no, we worked with Mr. Rodriguez and Erin DeYoung, the Police Departments Attorney and we've tried to get this into plain English and said this Ordinance is good and it establishes decibel points which make it easy for the officer to complete the report. **Commissioner Becker** stated that we're still not transparent about putting the full ordinance on the website and asked that we get this published between now and the second reading. **Rob Hippler** stated that he's reviewed this with Mayor Nelson and Edward Bass and has compared our packets to various other agencies so they can feel comfortable. He said it's will require Community Development to do a little more work when uploading documents from a third party. **Commissioner Becker** stated that as this is an Ordinance that affects all of the citizens, we should have the Ordinance posted to the website. **Chief McKinley** said we can post this and reiterated that even after we have the 2nd Reading of this Ordinance, it will not go into effect immediately as we still have a lot of work to do and are not going to be able to enforce this immediately. **Commissioner Becker** said to confirm, that scenario is only if the tenant refuses to give identification. **Michael** said one of the things that we added that is not in Orange County's Noise Ordinance is something we addressed as it may be a potential issue is that the property owner calls in a noise complaint for a loud party; the officer responds and makes a reading from the receiving property and it exceeds the decibel level. They go to the offending property and the person in charge of the property refuses to disclose their name or identify themselves, this ordinance provides that the initial citation will be issued to the property owner at which point, the property owner has an opportunity to file an affidavit stating he's the owner of the property and names the person that's in charge of the property at that time. He said this affidavit will absolve the property owner of any liability and further enforcement will be done against the tenant. **Commissioner Becker** said to confirm, that scenario is only if the tenant refuses to give identification.

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

Darrell Richardson, 839 Rockford Road, Apopka, FL said he's been listening to this and a couple of things come to mind being a brewery owner. He asked if this is going to impact downtown if we have loud music coming out of our establishment and asked if that would be excluded. **Michael** stated that the violations that are addressed are for noise that exceeds the Code level and that noise is received in residentially zoned properties. He said there are certain exceptions and variances that will be taken into consideration, for example, if you have a special event that may cause a problem, there is a mechanism in the ordinance to allows the owner to come before the City and have a special event approved in advance. **Darrell Richardson** asked if Michael know how many noise complaints Orange County received last year and whether all of the officers carry around decibel meters to which Michael stated no. He said this takes time away from officers to respond to a noise complaint that may or may not be valid.

Rogers Beckett asked for clarification and said he wanted to know how this will affect him as for example, if the Police Department sends a letter to the owner, how does this citation attach to the property and said he would like some consideration given to this matter.

b. Mayor Nelson asked if anyone else had any questions. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2988 at first reading and hold over for second reading and adoption.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve Ordinance No. 2988 at first reading and hold over for a second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

8. Resolution No. 2022-55 - FY22/23 Budget Amendment
Presented by: Blanche Sherman

Blanche Sherman, Finance Director stated that the item before you tonight is for the approval of the Resolution No. 2022-55 for FY22/23 Budget Amendment. She said this budget amendment formerly incorporates items that have been brought to you on the December 7, 2022 CC meeting as well as earlier this evening. She said item #1 is regarding the Apopka Museum Renovation Assessment and said these funds are coming from the General Fund Reserves in the amount of $36,834. She said item #2 is for the Utility Operating Fund Reserve in the amount of $399,300 for the purchase of land and equipment for Snowden Road that was approved earlier tonight. She said items, 3,4 & 5 are funds we received from FDOT Safety Grants and said these items were approved at the December 7, 2022 meeting as follows: Item #3 in the amount of $12,000 for the Impaired Driving Enforcement; Item# 4 is in the amount of $26,000 for the Enforcement of Distracted Driving; and Item #5, in the amount of $49,000 for the Enforcement of Speeding and Aggressive Driving grants. She stated that the other items brought to you tonight are for the Covid-19 American Rescue Plan Funds in the amount of $450,000 for Citywide LED Lighting Conversion Project; $250,000 for the Fran Carlton Restoration Project; $250,000 for the City Hall area Grounding and Lightning Suppression Project; $200,000 for the 8th Street Stormwater Piping and Playground Project; and $15,000 for Reimagine Communities AOK Literacy Program for a total amount of $1,165,000. She said lastly, coming from the Transportation Impact Fund Reserves in the amount of $59,400 is for the purchase of land for the ROW for the future extension of Peterson Road. The total request for this Resolution is $1,747,534**.** **Commissioner Nesta** asked when these funds will be disbursed**.** **Blanche** stated that depends on the project and said the funds will be added to the project budget so that they can begin the process of procuring those items and moving forward with the projects. **Commissioner Nesta** asked when the Reimagine funds will be released to which Edward stated as soon as we post the Budget Amendment and request the supporting documentation for this item, those funds will be released.

a. **Mayor Nelson** asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-55.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Velazquez** to approve Resolution 2022-55.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez asked that we do more forward with the safety committee for the Fire Department and that we do not lose site of its purpose and mission. She went on to state that we had the Apopka Christmas Parade, the Apopka Museum, and the Shop with the Cop for ten days; she participated in Day 1 and Day 10. Recently we did the Wreaths Across America, she stated that she is always proud of it, we have participated in the last couple years, for the Veterans in our cemetery. Also, she stated that Saturday Sounds was a little chilly and not well attended, but she is always happy to see the bands. They will play for two people the same way they will play for a full stadium; it was a very nice concert. She hopes that when the new year comes, we can try to market Saturday Sounds, so that we can get more participation from our community.

Commissioner Becker stated that he hoping that the council can take formal action on topic of Economic Development, because he has not gotten proper producer on how to get it added to the agenda. He stated that he is targeting the January 18th meeting to present the topic of Economic Development to discuss. He will take into to account, during the presentation, the feedback that was received from the board, during the last meeting. He made a motion to agree as a council to put it on the January 18th agenda. **Mayor Nelson** asked if the intent was for discussion. **Commissioner Becker** stated this request will be for formal action. **Michael Rodriguez** stated that as we done in the pass, when any member of council has directed staff to bring something back for approval or action of the City Council; the most recent example is when Commissioner Becker wanted to address the Dollar Store issue and I advised during the council presentation moment he would get the census and then council will direct staff to bring it back. He asked for clarification on what Commissioner Becker would like staff to bring back (i.e., an ordinance, resolution, etc.) **Commissioner Becker** stated that his challenge is that he can direct staff, but staff is reporting to the Mayor, who is against this concept, based on his words in the last meeting. What I am asking or proposing is the formation of a department, which is a clerical or administrative task, in terms of how our budget and financials are organized, and the budget of a role within that department. He stated that he is unsure if he needs staff to guide him through that venture and he would like time on the agenda to present his presentation, in a formal capacity, to say this should be the direction that we take as a council. He has had interactions with Mr. Bass; however, the last communication he sent a few days ago has gone unanswered, in terms of policy and procedure. This council has the authority to set the agenda, if we so choose, so I asked to have an annumerated in the last meeting and it was not met, so I am not going to go another meeting seeing that there is friction for me to do this. I am asking this board to make a formal action, just to put it on the agenda. I am happy to work with staff prior to that meeting to share my thinking and what I am going to propose and ask is this is how it will need to be done. He stated that he refuses to have this as a staff led initiative when the words of the administration are not support. **Michael Rodriquez** stated that he is not contesting, he just needs to know what type of item it will be: an action item, or a public hearing for an ordinance or resolution, etc. **Commissioner Becker** stated that he is asking for the formation of an Economic Development Department and that department to be funded with SLFRF funds. The amount that I thought, that was still left over from unallocated initiatives two-hundred thousand, based off our conversation on Monday. He second thing I asked was the actual creation of an Economic Development Director role. Those are the two things I will be asking for, I just want to do it in a formal capacity for action. **Michael Rodriguez** stated that staff is here to make that presentation, he just needed clarification on exactly what he wanted, so if they have the consensus from the board, they will bring it forward and place it in its property location, on the agenda.

Commissioner Becker stated that he would like to make a motion for the board to either approve or deny his desire to present a formal ask of council based on the perimeters he set forth. He has reservations that if it is a staff led initiative it will be bias to a decision where it is not a full staff recommendation.

a. **Mayor Nelson** said we have a Motion by **Commissioner Becker** and seconded by **Commissioner Nesta to entertain the Economic Director Position.**
b. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

Commissioner Becker ended his comments by wishes everyone Happy Holidays and a Happy New Year.

Commissioner Smith stated that today was the homegoing service for one of the pastors in the community, Rev Michael D. Warren, he was a great asset to the community so it was a great lost. We continue to keep the Pleasant View Baptist Church, in our prayers. He stated that he also attended the Wreaths Across America and the Nutcracker Christmas at the museum; it was an outstanding event. He also attended the Shop with a Cop. He asked for an update on the Diversity, Equity, and Inclusion committee, if available. **Mayor Nelson** stated that he will have an update at the next meeting. **Commissioner Velazquez** asked at all commissioner receive that update along with a list of updated members**. Commissioner Smith** went on to ask if we have anything within the City in regards to rental assistance. He has received several emails from individuals that need some rental assistance. **Mayor Nelson** stated that the City does not, but the County did. He also stated that he believes that the County had to send back at or around $20 million dollars, in rental assistance. **Commissioner Smith** stated that he would still like for us to look at workforce housing, for the City, for individuals that are constantly being displaced, because rentals are out of control and there is no workforce housing that they can afford. He ended by stated that we need to address our homeless population.

Commissioner Nesta asked if the January 5th Clear Water Lake meeting will be a detailed meeting, in regards to dollars, plans, timelines, etc. and **Mayor Nelson** responded yes, but he cannot confirm timelines, we are still working with the distributor for Hunter that is looking at how to design the system. **Commissioner Nesta** stated that the residents are getting less patient, so he is asking that we give some commitment at that meeting. He went on to question what is next in regards to the South Apopka Annexation and **Mayor Nelson** stated that we have reached out to Chris Testerman, with the County, but he is retiring at the end of the month. He has another person to contact about getting the Bridges Center for another South Apopka community meeting. He is hoping either the first or second meeting in January. **Commissioner Nesta** stated that he has a lot of goals and initiatives for 2023, he will have a lot of proposed ordinances, policies, resolutions, etc. He has also been getting a lot of compliments on being very prepared for these meetings and showing up for the different event. He stated that he would not be able to do it if he did not have his teammate at home, taking care of his house and it has been a great year and she has been incredible to work with and patient with him.

CITY ADMINISTRATOR'S REPORT

Edward Bass said he had nothing to report and wished everyone a Happy Holiday.

CITY ATTORNEY'S REPORT

Michael Rodriguez said he had nothing to add.

MAYOR’S REPORT

Mayor Nelson said he wanted to address some of the issues about the Press Conference he had, and said there were a couple of things that were in the Press briefing but wanted to reiterate some of those. He said we talked about the investigation of the Austin Duran accident and said in his comments he stated that on Monday, August 22, 2022, at our request, the National Institute of Occupational Safety and Health (NIOSH), began its independent investigation of the accident. He said over 40% of all of the deaths within the United States are reviewed by NIOSH to look at those accidents in order to determine what the cause of the accident was. He reiterated that we asked them to come in and investigate the accident, He said, yes, we did have 2 firefighters that resigned from the Safety Committee and said he wanted to read a portion of firefighter Echevaria's resignation letter. **Commissioner Velazquez** said you mentioned this and would rather the Mayor not read this. Mayor Nelson went on to read an excerpt regarding the reasons why he resigned. . He said in addition, on December 10th, Lieutenant Alex Klepper resigned from the Safety Committee rather than stay on to make positive changes. He said we have over 50 positive changes that we've made at the Fire Department and said what's interesting is that he was informed in October whether to talk about the incident or not but it wasn't until 2 months later that he resigned from the Committee and asked why he didn't resign back in October when he had the information. Commissioner Becker asked why we didn't talk about these facts earlier. **Mayor Nelson** stated out of the 22 recommendations, we've completed 18 of them and 4 are left to complete. He said the last 2 verified uses of that trailer were Chief Carnesale and District Chief Bankston. **Commissioner Nesta** said he didn't know that we completed 18 of the 22 and said we need to communicate better so the safety committee can understand. **Mayor Nelson** said Wreaths Across America was a great event and said it was the largest crowd we ever had. He said Apopka High School Football team came in 2nd at the State Championships. He said Clear Lake Meeting is on January 5th , as discussed and said lastly, we have $2,500,000 in our budget for the replacement of the asbestos and cement and galvanized drinking water pipes within the City of Apopka and if it makes it through Congress, we'll have that money and said with that, we stand adjourned.

ADJOURNMENT

With there being no further business, to discuss, the meeting adjourned at 10:13 p.m.

____

Bryan Nelson, Mayor

Attest: ____________________________________

Susan M. Bone, City Clerk