

CITY OF APOPKA MINUTES

Minutes of the City Council Meeting held on September 21, 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

Teresa Sargent, The Apopka Chief

INVOCATION & PLEDGE OF ALLEGIANCE:

Commissioner Bankson provided the Invocation and led in the Pledge of Allegiance. He then provided the fact of the day, as follows: On September 18, 1793, George Washington lays the cornerstone to the United States Capitol building, the home of the legislative branch of American government. The building would take nearly a century to complete, as architects came and went, the British set fire to it and it was called into use during the Civil War. Today, the Capitol building, with its famous cast-iron dome and important collection of American art, is part of the Capitol Complex, which includes six Congressional office buildings and three Library of Congress buildings, all developed in the 19th and 20th centuries.

PROCLAMATION

1. National Hispanic Heritage Month
Presented by: Mayor Bryan Nelson

Mayor Nelson said we have a proclamation for Hispanic Heritage Month and announced that Commissioner Velazquez will read the proclamation.

Commissioner Velazquez said first she wanted to thank everyone who came out to support the Hispanic Heritage event that was held at Kit Land Nelson Park. She said it was our first and we hope to keep growing it. She then read the proclamation and thanked Mayor Nelson.

AGENDA REVIEW

Edward Bass stated there was one addition. He said we've added a brief presentation from our City Engineer, Richard Earp who will review the high lake issues at the Clear Lake Subdivision. .

PRESENTATION

Richard Earp, City Engineer, said tonight we'll talk about the high water stages at the Clear Lake Estates Subdivision and provided a presentation which outlined the affected areas. He identified Clear Lake on the slide and said Clear Lake is a privately owned lake that does not have an outfall and said there is no pipe or ditch that connects Clear Lake to Mud Lake or any other lake. He explained that like many other lakes in Apopka, Clear Lake it is a land locked lake, which means it doesn't overflow anywhere when we receive unusually heavy amounts of rainfall. He said staff is aware of the high water issues with Clear Lake as well as several of the other land locked lakes within the City and said we've preformed research; conducted field study investigations and have spoken with the SJRWMD however, according to the district, the current level does not warrant an emergency permit.

Commissioner Nesta asked at what point would the district authorize the use of an emergency permit and said we don't want to wait until nature runs its course and causes damage to a home.

Richard Earp stated that Border Lake would be an example and said he'll speak to the district about a more proactive solution this week.

Mayor Nelson said any new development we're approving has to be able to handle the storage of any rainfall received, on site to which Richard confirmed that is correct.

Commissioner Velazquez said she spoke with one of the residents from Clear Lake and said she understands there was a recommendation for sand bag and asked if that would help and inquired as to whose responsibility that would be.

Richard Earp said we're happy to make sand bags available but said that is all privately owned property and the City does not have any easements over the area near the lake.

PUBLIC COMMENT PERIOD

Shaunte Jemison, 1186 Tallow Road, Apopka, FL 32703, said she is the President and CEO of Re-Imagine Communities, and she provided a summary of the initiatives available to our students for this academic school year. She said the first initiative is our AOK Literacy program and said this program was started during the Summer as a virtual reading sessions for our students and said they averaged from 250 to 1,000 views per session and said we've scheduled our first one which will be a pajama party and will be hosted at the Apopka Museum. She said we'll also be hosting our creative kids service club which is focused on community and giving back. She said when we think about giving back, we normally think of high school or college aged students but we're introducing this concept to our middle school students this year. She said our first community service project will have our students make ornaments for the elderly in our community. She said we're asking for the City's help with to identify locations for 3

free library stations and said we've partnered with the Apopka Fire Department who will build our first library station. She said in addition, we want to build a seed station to go along with our I Promise garden, and said this will help promote healthy eating. She asked the City Council to assist in meeting their financial goals and said they'll be doing some fund raising as well.

Commissioner Velazquez said she supports the program and asked how this will work now that school is back in session.

Commissioner Bankson said he supports this and asked if we have locations for the 3 libraries.

Commissioner Smith said he also participated in the Read around Apopka and said as an educator, there are always opportunities to improve what we're doing with our young people and there can never be enough education.

Commissioner Nesta said he loves this program and said this program meets the kids where they're at and said the seed program makes great sense.

Dennis New, 105 W. Magnolia Street, Apopka, FL 32703, said he's been watching the Code Enforcement hearings and said we're taking tax paying residents of the City to Code Enforcement hearings for things like roof tarps; graffiti or high grass, when there are City owned properties with similar issues. He also spoke about the flooding on Laurel Street and said it never backed up before the new box was installed.

Venus Griffith, 2428 Wyndham Bay Place, Apopka, FL 32703, said she lives in the first house when you come into Clear Lake Estates and said the flooding is 10 times worse than it ever has been and said she's been dealing with this issue for 5 years and said it needs to be corrected. She said Mr. Earp stated that we didn't have any canals in our lakes but said that's not correct. She said Magnolia Park has been cleaned up and is beautiful and said it has high walls to prevent any additional flooding. She said please tell Orange County that we don't need any more water and said we have to get this issue fixed.

Sylvester Hall, 3091 Rolling Hills Lane, Apopka, FL 32712, spoke about the events of the past month at the Apopka Fire Department and said he's observed the leadership that's being displayed and based upon his experience, we have a hostile environment at the AFD. He said those young fire fighters need a leader that has their back and will support them. He said when people are afraid to speak out, that's a problem and creates a hostile environment. He said we have great men and women in our fire department but said they need leadership and said anything short of reassigning the Fire Chief is letting the City down.

CONSENT (Action Item)

1. Approve a change order to the contract with Providence Construction & Development Company for the West Reuse Storage Facility Reservoir.
2. Authorize the execution of piggyback contracts for fiscal year 2022.

3. Accept the disbursement report for August 2022.
 - a. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.
 - b. Hearing no other questions, he asked for a motion to approve the three (3) items on Consent.
 - c. Motion by Commissioner **Nesta** and seconded by **Commissioner Smith** to approve the three (3) items on Consent.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

1. Site Access and Indemnification Agreement with Hubbard Construction Company
Presented by: Pam Richmond

Pam Richmond, Transportation Coordinator, said she's here to request approval for a Site Access and Indemnification Agreement with Hubbard Construction Company and said they're the company doing the work out at U.S. 441 and said they ran into problems finding a place to trying to store their equipment and asked if they could use this site to park and stage vehicles. She said this is a 267 day project and they anticipate being completely done by the end of April.

- a. **Mayor Nelson** asked if anyone had any questions or if anyone from the public wanted to speak on this item.
 - b. Hearing none, he asked for a motion to approve the Site Access and Indemnification Agreement with Hubbard Construction Company.
 - c. Motion by **Commissioner Bankson** and seconded by **Commissioner Velazquez** to approve the Site Access and Indemnification Agreement with Hubbard Construction Company.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
2. Authorize waiver of the City's Procurement Process to negotiate and approve a contract with TCF for the identification of taxpayers that are delinquent in payment or attainment of their BTR-Business Tax Receipt.
Presented by: Jim Hitt

Jim Hitt said this is a two-step process and said the first part is for Council to authorize the City procurement process and negotiate and approve a contract with TCF for the identification of tax payers that are delinquent in payment or the attainment of their BTR. He said it will also allow the City to negotiate, through our procurement process, a little differently than we normally would. He said this particular company, TCF, is a company that has worked with quite a few different municipalities, businesses and corporations and has uncovered hundreds of dollars

in delinquent business tax receipts. He said TCF is a company, owned by Ramsey Nassar, and said they have already identified over 6,000 potential businesses that have not paid into the business tax system which can accumulate to between \$300,000 - \$400,000. He said the contract will be a percentage based contract where the City gets 75% of anything collected and the 25% due to TCF is paid from the recovered funds so the money does not have to be paid out of the City coffers. He said we don't have the staff to go after the delinquent businesses and companies. He introduced Mr. Nassar who will provide his presentation.

Mayor Nelson said we have some money in the budget based on this type of arrangement and said this is similar to the water contract where they found \$400,000 in underbilled or unbilled water and this is the same type of arrangement.

Commissioner Nesta asked for clarification on what you mean by budgeted.

Jim Hitt said in Community Development, we have money in the 3400 line item and it's basically for contracts; assessments; surveys and projects that we don't know they're coming up but we have funding for.

Mayor Nelson said this won't cost the City anything as the contact will pay for itself.

Mr. Nassar said we've been in business for over 17 years and have assisted all type of government agencies recover funds. He said our main business is disaster preparedness, response and recovery. He said this is according to Chapter 205 Florida Statutes, and said we're the only company that we know that does this. He provided a power point presentation in detail showing how the program works.

Commissioner Velazquez said you said in your presentation, you've already identified 6,000 businesses and asked how he knows that. Mr. Nassar said we have the technology to track this. She said she didn't want to punish our residents who do have a business and said some of them may not know that they have to do this. She asked how we're going to notify this.

Mr. Nassar stated that they will assist with all of this process and said we'll only do what is approved by the City.

Commissioner Velazquez asked at what point will there be a penalty to which Mr. Nassar stated by October 1st, if they're not paid, the penalty will be assessed and goes up 5% according to the delay.

Edward said if he comes back with 6,000, which he felt was high, he said as he brings them back, they won't come all at once so as they find them, we can import to our system. He said we'll send them a nice letter that they're due and going forward, they'll be billed but said we won't back charge anyone.

Jim Hitt said we're not necessarily going after the home occupations. He said these are businesses that are established. He said anyone that operates and is conducting business in the City, has to have a business tax license. He said all of the 2,000 businesses we have registered in the City are compliant, are doing what they should. He said apparently, there are some that are paying the County for a business tax but not paying the City. He said the rate is 25% of what he brings in so if it's \$100 business tax, he gets \$25 and we get \$75 but that's just a one-identifier fee.

Commissioner Velazquez asked how long this contract will be to which Jim said this will be a one year contract with a two year renewal. She asked if the renewals would come before us. **Edward** stated that it would be automatic for the two years but keep in mind, he would only get paid if he finds new ones. Commissioner Velazquez stated that this seems like a collection agency and as such, every year, this should come before us so this way the taxpayers can see and said for her it's transparency.

Edward said let's do the first year and at the end of the year, we'll bring the findings back to you so that you'll know how much revenue he found.

Commissioner Smith said at one point, before you could get a County license. you had to have a City license and asked if that was still the case. **Jim** stated it doesn't always happen that way.

Mayor Nelson said we don't have the means to go out and find all of the licensed professionals in the State of Florida and said we don't have the resources to go out and find all of the barbers, architects; engineers or any other professional services doing business in the City of Apopka. He said Mr. Nassar is pulling from the State records and will be able to identify who is registered with the State and who isn't paying the City of Apopka.

Commissioner Nesta said on the first slide, the date is showing incorrect and wanted to call that to his attention. **Mr. Nassar** explained that that was the original date that he first provided the proposal to the City management.

Commissioner Nesta stated that he understands the business model and said essentially you go on Sunbiz.org, search every business that's registered in the City of Apopka and there's your list. **Mr. Nassar** said unfortunately, it's not that simple. **Commissioner Nesta** said his concern is that this effectively is a collection agency.

Mr. Nassar stated no it's not a collection agency and said it's an identification of individuals that are not paying. He said we work for the government and coordinate everything through them but we don't physically go and collect the tax.

Commissioner Nesta said let's call it semantics but it's still collecting on an open bill. He said his concern is, that having been on the opposite side as a young entrepreneur, you can drop the ball on some things every now and then, and said he's received the calls that he didn't pay his business tax license when in reality, he had totally forgotten about it. He said he doesn't want this to be a disincentive to have a business in Apopka and said he's against charging the penalties. He said in addition, he doesn't want this to be like a headhunting for this and said that while it will be nice to recover the money, collecting is still collecting and it comes with aggression. He said a nice letter is not a nice letter when it says you owe us.

Edward said there's a State Statute that requires everyone to pay this and said we have to treat everyone the same. He said when they're identified, we'll send a notice out and allow them a certain time to pay and said we're not going back and penalize anyone or collect prior taxes. He said this is to let them know we identified them as a business, that may not know they need this and bringing them into compliance.

Commissioner Nesta said he agrees that we need some type of performance review and said he feels we do this at the least annually.

Michael Rodriguez said the road that some of this language is concerning and said we cannot pick and choose who we're going to enforce the Code against or the manner in which the Code is going to be enforced. He said the Statute and the Ordinance provide that BTR's are due on a certain date and said if they're not paid on a certain date, there subject to collection., He said whether or not we hire a 3rd party to identify who is to be collected or do our own investigation to determine who owes. He said the Ordinance and the Statute provide that if you're late this amount of time, they're subject to this percentage of a delinquent fee for being late. He said just as property owners have constructive notice as to those rules that regulate their property, a business owner has constructive notice that they're subject to a business tax receipt that is subject to both State Statute and City and County Ordinances. He said the State provides to the local governments how they'll enforce such a mechanism. He said the Code and Statutes are crystal clear and said it's scaled based upon time delinquent.

Commissioner Nesta said as long as we can do that in a way that does not a disincentive to do business in Apopka, he's fine with this but he does want to review annually.

- a. **Mayor Nelson** asked if anyone had any questions or if anyone from the public wanted to speak on this item.

Rogers Beckett, 7 W. Main Street, asked if for example, we get a significant amount of income from the BTR and asked if this money would go into the general fund. **Mayor Nelson** stated that we have \$150,000 allocated toward additional BTR. **Mr. Beckett** asked if that

was for additional personnel to which **Mayor Nelson** stated that is what we've budgeted for.

Kyle Becker, 1388 Kintla Road, said Commissioner Nesta brought up a good point and said if this proposal was presented back in 2021 but nothing was brought to Council and if they're saying that they could've recovered what was in that presentation, we're talking hundreds of thousands of dollars over the last year and a half. He said he can't think that this is proprietary information and said you can pull this data from Sunbiz.org and said you can get those data sources and said this should be a simple look up for data that we have readily available within our own City of who has paid or not paid. He asked the Council to do some simple math and find out what it would take to hire a person to do this.

Sylvester Hall, 3091 Rolling Hills Lane, asked why we don't have the staff.

- b. Hearing no other questions, he asked for a motion to approve a one (1) year contract with TCF to identify delinquent business tax customers.
- c. Motion by **Commissioner Smith** and seconded by **Commissioner Bankson** to approve a one (1) year contract with TCF to identify delinquent business tax receipt customers.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2935 – Second Reading – Future Land Use Amendment – Wingspan/ABC Kelly Park
Owner(s): PM S-1 REO LLC, Harvey Godwin, Sapp Rodney D Life Estate Rem: Sandra D Sapp
Applicant: Poulos and Bennette c/o R. Lance Bennett, P.E
Proposed Future Land Use: Mixed-Use
Location: North of Kelly Park Road, east of Plymouth Sorrento Road and west of Foliage Way
Project: 21.36 +/- 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. 2935.
- c. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2935.

- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
2. Ordinance No. 2936 – Second Reading – Change of Zoning – Wingspan/ABC Kelly Park
Owner(s): PM S-1 REO LLC, Harvey Godwin, Sapp Rodney D Life Estate Rem: Sandra D Sapp
Applicant: Poulos and Bennett c/o R. Lance Bennett, P.E
Proposed Zoning: KPI-MU (Kelly Park Interchange – Mixed-Use) and Assignment of Village Center
Location: North of Kelly Park Road, east of Plymouth Sorrento Road and west of Foliage Way
Project: 21.36 +/- 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. 2936.
 - c. Motion by **Commissioner Smith** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2936.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
3. Ordinance No. 2942– Second Reading – Future Land Use Amendment – Ponkan Pines Property
Owner(s): Roseville Farms, LLC and Roseville Farms, LC
Applicant: Daly Design Group c/o Thomas Daly
Proposed Future Land Use: Residential Very Low Suburban (0-2 dwelling units per acre)
Location: Northeast corner of Ponkan Road and Ponkan Pines Road
Project: 31.5 +/- acres
Project Manager: Jean Sanchez
 - e. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes**.
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 - a. 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. 2942.
 - b. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2942.
 - c. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

4. Ordinance No. 2943– Second Reading – Change of Zoning – Ponkan Pines Property
Owner(s): Roseville Farms, LLC and Roseville Farms, LC
Applicant: Daly Design Group c/o Thomas Daly
Proposed Zoning: RSF-1B (Residential Single Family - Large Lot) District
Location: Northeast corner of Ponkan Road and Ponkan Pines Road
Project: 31.5 +/- acres
Project Manager: Jean Sanchez
 - f. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes**.
 - a. 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. 2943.
 - b. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2943.
 - c. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
5. Ordinance No. 2945 – Second Reading – Future Land Use Amendment – Kelly Park South
Owner(s): Kelly Park Road Ventures, LLC, Kelly Park Land Investments, LLC 50% Int, Harriskp, LLC 50% Int.
Applicant: Poulos and Bennett, LLC c/o R. Lance Bennett, P.E
Proposed Future Land Use: Mixed-Use
Location: 4303 and 4405 West Kelly Park Road
Project: 45.93 +/- acres
Project Manager: Jean Sanchez
 - e. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there was a minor change to the ownership, which was read into the record.
 - a. 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. 2945.
 - b. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to adopt Ordinance No. 2945.
 - c. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
6. Ordinance No. 2946 – Second Reading – Change of Zoning – Kelly Park South
Owner(s): Kelly Park Road Ventures, LLC, Kelly Park Land Investments, LLC 50% Int, Harriskp, LLC 50% Int.
Applicant: Poulos and Bennett, LLC c/o R. Lance Bennett, P.E

Location: 4303 and 4405 West Kelly Park Road

Project: 45.93 +/- acres; 95 Single Family Residences, 350 Multi-Family Units and Commercial Uses

Proposed Density: 9.69 dwelling units per acre

Project Manager: Jean Sanchez

- f. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes**.
 - a. 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. 2946.
 - b. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 2946.
 - c. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
- 7. Ordinance No. 2951– Second Reading – Future Land Use Amendment – 722 South Central Avenue
Owners: Marian B White and Felecca Denise Aiken
Applicant: Beckwood Management Group, Inc. c/o Rogers Beckett
Proposed Future Land Use: Residential Low (0-5 dwelling units per acre)
Location: 722 South Central Avenue
Project: 0.34 +/- acres
Project Manager: Jean Sanchez
 - a. **Mayor Nelson** asked if there were any changes since the first reading.
 - 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. 2951.
 - c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to adopt Ordinance No. 2951.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
- 8. Ordinance No. 2952 – Second Reading – Future Land Use Amendment – Citrus Ridge Property
Owner(s): Citrus Ridge Real Estate, LLC c/o Jose Cantero
Applicant: Citrus Ridge Real Estate, LLC c/o Jose Cantero
Proposed Future Land Use: AG (Agriculture) District
Location: West of Binion Road and North of Clear Lake Estates Residential Subdivision
Project: 19.11 +/- acres
Project Manager: Jean Sanchez
 - g. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes**.

- a. 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. 2952.
 - b. Motion by **Commissioner Velazquez** and seconded by **Commissioner Bankson** to adopt Ordinance No. 2952.
 - c. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
9. Ordinance No. 2953 – Second Reading – Change of Zoning – Citrus Ridge Property
Owner(s): Citrus Ridge Real Estate, LLC c/o Jose Cantero
Applicant: Citrus Ridge Real Estate, LLC c/o Jose Cantero
Location: West of Binion Road and North of Clear Lake Estates Residential Subdivision
Project: 19.11 +/- acres
Project Manager: Jean Sanchez
 - h. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes**.
 - a. 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. 2953.
 - b. Motion by **Commissioner Velazquez** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2953.
 - c. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
10. Ordinance No. 2956 – Second Reading - Annexation - Mid-Florida South
Owner(s): Simpson D Wayne 50% Int, Simpson Susie F 50% Int, Laxmi Land Investment, LLC and Sessions Plymouth, LLC
Applicant: ARCO National Construction c/o Trenton Squiers
Location: Southwest corner of Peterson Road and SR 429
Project: 54.05 +/- acres
Project Manager: Jean Sanchez
 - i. **Mayor Nelson** asked if there were any changes since the first reading to which Jim confirmed there were **no changes**.
 - a. 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. 2956.
 - b. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 2956.
 - c. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

11. Ordinance No. 2959 – Second Reading – Authorize Land Development Fees by Resolution

Presented by: Pam Richmond and 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. 2959.
- c. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2959.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

12. Ordinance No. 2960 – First Reading - Amendment to the City's five-year capital improvements plan to add Recreation Improvement, and incorporating into the City of Apopka, Comprehensive Plan, Capital Improvements Element.

Presented by: Radley Williams

Jim Hitt, Community Development Director, said this is a request to approve an Amendment to the City's five-year Capital Improvements Plan, in order to help fund Recreation Improvements, and incorporate them into the City of Apopka's, Comprehensive Plan, Capital Improvements Element. He said if you recall, we did this with the last grant that we applied for as well.

Radley Williams, Recreation Director said to build on what Mr. Hitt just said, this amendment will enable the City to add new recreational facilities at the Northwest Recreation Complex and help fund improvements including a new ADA playground on the south side of the park. He said to assist with these improvements, the City proposes to apply for a \$200,000 matching funds grant, sponsored by the Florida Department of Environmental Protection's Florida Recreation Development Assistance Program (FRDAP) grant. He said one of the eligibility requirements for the grant require that the proposed recreation improvement be recognized within the City's capital improvement program (CIP). If approved, the City will proceed expeditiously, in order to meet grant application deadlines, therefore, this proposed update to the five-year CIP of the Comprehensive Plan only addresses the new recreation improvements at the Northwest Recreation Complex.

Commissioner Velazquez reiterated that at the first public meeting we didn't have public input but confirmed that we will have a second public meeting to allow for public input to which Mr. Williams confirmed that is correct.

- a. **Mayor Nelson** asked if there were any questions for Radley or if anyone from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2960 at First Reading and hold over for Second Reading and adoption.

- b. Motion by **Commissioner Bankson** and seconded by **Commissioner Velazquez** to approve Ordinance No. 2960 at first reading and hold over for second reading and adoption.
- c. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

13. Resolution 2022-34 - Approve Land Development Fee Schedule
Presented by: Pam Richmond

Pam Richmond said this accompanies the Ordinance that you just approved, Ordinance No. .725, which were our old Land Development fees. She said at our last meeting, we reviewed the comparison table of what our old fees were what our proposed new fees are along with Orange County's fees. She said this is all in your packet and includes the revision to the resubmittal portion to be charged a flat fee. She said we're requesting approval so that we can update our fees accordingly.

- a. **Mayor Nelson** asked if there were any questions for Pam 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. 2022-34.
- c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve Resolution No. 2022-34.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

14. Resolution No. 2022-45 - FY 21/22 Budget Amendment
Presented by: Edward Bass

Edward Bass said Resolution 2022-45 is a budget amendment for your state pension dollars. He said as you know every year, we receive state pension dollars for Police and Fire funds and said we have a certain period of time to get those dollars into these pension funds for a total of \$981,379.

- a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter.
- b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-45.
- c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve Resolution No. 2022-45.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

Commissioner Nesta spoke about the noise ordinance and understands that this is a difficult task but said he wants us to keep the dialog open. He spoke about the dialog from DRC regarding the car washes and said he'd rather be proactive than reactive and encouraged everyone to listen to the DRC audio on this. He said we need to review our website as there are some old items still posted and are no longer relevant. He said additionally, he'd like to have the Commissioners participate in the budget in the future to avoid any surprises. He inquired as to a succession plan for the directors who will be retiring in the next 15 years. He wanted to confirm that we're moving the funds that we've earmarked for the AFD into their budget and asked the Chief about his plans for outreach. Lastly, he said let's set a date for a workshop for the South Apopka Annexation discussion.

Michael said we should schedule this for a Wednesday so that it's consistent with our Council meetings. We can do October 12th or October 26th.

Commissioner Smith said he'd like to review the map of the area as soon as possible.

Edward said we will be bringing you all of the information for this process including: what it would cost; an overview of the process & what it would take to get there.

Michael said he'll provide a presentation explaining the differences between voluntary annexation vs. involuntary annexation.

Mayor Nelson stated that he will not be available on the 26th but can meet on Tuesday, the 25th. Everyone agreed that Tuesday, October 25th will work for this meeting.

Commissioner Smith said he is sitting on the Florida League of Cities Land Use & Economic Development Committee and said we met last week to discuss priorities that we'll be taking to the Legislature in Tallahassee. He said we identified five areas including 1) sovereign immunity; 2) annexation; 3) mobility plan; 4) impact fees; 5) residential infield zoning. He said at the conclusion of the meeting, we can only have one of the five move forward and said it's looking like it'll be the mobility plan with sovereign immunity running a very close second and said we're meeting again on October 7, 2022.

Commissioner Bankson yielded his time. .

Commissioner Velazquez said the Hispanic Heritage Festival was very nice and well attended. She said this was our first year and said she was proud and honored to be a part of that. She said yesterday, we met with Chief Wylam and Chief Howe regarding how they're moving forward at the Fire Department. She then asked that Council be advised ahead of time of promotions going forward.

CITY ADMINISTRATOR'S REPORT

Edward Bass said Jim Hitt will be providing you with an updated handout with the current population statistics.

CITY ATTORNEY'S REPORT

Michael Rodriguez said in response to Commissioner Nesta's inquiry on the noise ordinance, he can put together something similar to what we did for the dollar store ordinance. He said Council can reach out to him and provide input or he can prepare a first draft and disseminate this to all Council for revisions.

MAYOR'S REPORT

1. September 11th events
2. Hispanic Heritage Celebration event

Mayor Nelson said September 11th events were a great remembrance of our brethren that we lost in 911 over 21 years ago. He said we started on Friday morning at the 911 Memorial out in front of City Hall. He said it was really well done and the Police Chief and Fire Chief did a nice job and the honor guard was there as well and thanked them. He said Saturday, we had the 5 K run and said we had the largest crowd we've ever had with approximately 140 people. He said for the Concert, it was a little disappointing as we didn't get quite the turn out but there's always next year. He said the Hispanic Heritage Celebration and said it was a really nice event and said our Diversity and Inclusion Board put this together and said it was a lot of team work but everyone seemed to have a good time. He said we a variety of vendors, bands and thanked the team for all of their hard work for making this a great event. He said lastly with our new system coming on board, and our IT Department hones in on the visual aspect, these plexiglass dividers are wreaking havoc with the cameras and IT recommends removal. The consensus was that they be removed.

Adjournment

The being no further business the meeting adjourned at 8:27 PM .

Bryan Nelson, Mayor

Attest: _____

Susan M. Bone, City Clerk

