

CITY OF APOPKA

Minutes of the City Council regular meeting held on September 15, 2021 at 7:00 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: John Peery, The Apopka Chief

INVOCATION – Commissioner Bankson provided the invocation and led in the Pledge of Allegiance. He then read the fact of the day, as follows: On September 14, 1814, Francis Scott Key wrote a poem, “The Star-Spangled Banner.” The poem, originally titled “The Defense of Fort McHenry,” was written after Key witnessed the Maryland fort being bombarded by the British during the War of 1812. Key was at the fort to negotiate the release of his friend but they were not allowed to leave till the next morning. Key was inspired by the sight of a lone U.S. flag still flying over Fort McHenry at daybreak, as reflected in the now-famous words of the “Star-Spangled Banner”: “And the rocket’s red glare, the bombs bursting in air, gave proof through the night that our flag was still there.” The poem was printed in newspapers and eventually set to the music and people began referring to the song as “The Star-Spangled Banner” and in 1916 President Woodrow Wilson announced that it should be played at all official events. It was adopted as the national anthem on March 3, 1931.

APPROVAL OF MINUTES

AGENDA REVIEW

PUBLIC COMMENT PERIOD

Rod Olsen, 3156 Rolling Hills Lane, Apopka, said he wanted to have some marketing statements from their HOA Board retention ponds on the old golf course. He said these statements appear to be made without supporting facts in an attempt to induce residents to vote for a land swap. He read a couple of the statements made by the board. He then said RSR residents have not received timely and accurate information from the board. He said the information over the specific issue related to the ponds or possible pollution, which can cost millions of dollars to remediate. He said the HOA board is refusing to pay for

the Environmental Assessment of the golf course land until the property changes hands largely because of their understanding that the City and the golf group will remediate the issues on the pond. He said the HOA has also not provided residents a detailed proforma of all costs as promised. He said the residents strongly feel that the Harmon Road property should be sold at fair market value. He asked what the agreement dated February 2001 is and asked if we can get a copy of it.

Michael said if the document exists, we can provide a copy and you can do a Public Records Request.

Commissioner Velazquez asked if that was the Stormwater Agreement for the reclaimed water and said she has a copy.

Mr. Olsen said the impression we got is that there's a legal document between the City and the golf group and the HOA. And asked if the City will abide by the 2001 agreement and/or a separate agreement to fix the ponds.

Mayor Nelson said it couldn't have been a 2001 agreement as in 2001, the golf group wasn't even in existence until 2005. He said as to your question about the City abiding by the 2001 agreement, we'd have to review the agreement and come back on that one.

Commissioner Bankson said he has concerns and said his big issue is the tower and the cost and said we're taking the profits from the sale to move a tower that really doesn't have to be moved, except that we're doing this deal. He said his head is not wrapping his head around this.

Rob Hippler spoke and said the initial plan that he's been pushing for was to get the tower rebuilt at that location. He said currently it's a 400' guide tower and said the guide wires come out 320' from the base of the tower in all different directions and takes up a lot of area. He said the idea is to put a self-support tower next to it and utilize the same building to keep the costs down and use our existing antennas.

Commissioner Bankson asked what would that cost have been to which Rob responded that we were quoted \$1.2 million before Covid. He inquired as to whether that was something we'd need to do in which Rob stated we're about 31 or 32 years into the tower and it's definitely met its life expectancy and as he said at previous meetings, with our current two cell carriers sitting on it with us, we're at 190% overload as far as wind load for today's standards.

Commissioner Velazquez which side of the property does the tower sit on, to which Rob said the South side.

Mayor Nelson said the property was originally meant to be athletic fields and said the tower was going to be left there and said that in the next 2-3 years, we'll need a tower somewhere.

Commissioner Velazquez said that on July 21st, she asked Mr. McSweeney who was here at the time, if we could try and get a consensus of yes or no from the residents. She said at the end of that Council meeting when she got home, she received a text which she read into the record and said after all of the texts and according to the comments and posts she's seen, it almost sounded like it was a done deal. She said she also shared this with the City Attorney.

Michael Rodriguez said there is no guaranteed deal and said first, any offer; purchase or bid must be brought before this Council for approval. He said secondly any attempted land swap must be brought before this Council for approval. He said he has not been asked to draft a land swap document, nor is there any land swap between any party and the City that has been contemplated or prepared to be brought forth before this Council. He said there hasn't been anything presented to the City in regards to any swap, or purchase and said we're at the status quo. He said there is no official offer; presentation or action on the part of anyone for the purchase of the Harmon property that can be brought to this Council's attention for acceptance.

Commissioner Becker said at the end of the day, we need to have a Public Hearing on this and said there's too much game or telephone going on. He said it has to be a noticed Public Forum that people from RSR can come to and voice their opinion. He said he didn't want to speak publicly on this from a RSR perspective but said we have a couple things from a Council perspective to consider. He said we need to decide what we want to do and how we want to dispose of the property. He said if the decision is to sell it, we need to know the cost behind the tower and would like to see a formal report showing useful life; costs and cost options.

Rogers Beckett, 7 West Main Street, Apopka said he has 4 questions and said that he recalls that we said we were going to take up the issue as to whether we're going to sell Harmon Road or enter into an agreement with RSR. He said no one knows anything and we're hearing one thing from the HOA, one thing from the threads on next door and we hear something different here. He asked what the City's plan is for what we want to do with Harmon Road. He said the HOA hired a PR firm to send information out to the residents to the tune of \$25,000. He said this has been discussed numerous times and said it feels like the golf group gets to dump their crap on us and said the City has already said they don't want to deal with it and we're stuck with whatever bills come with maintaining this but no one knows what the cost will be. He said now we have the issue with the HOA trying to sell 51 acres that was apparently a Gopher Tortoise mitigation site. He said now everyone is up in arms and asked if the Gopher Tortoise site was calculated in the original PUD as far as density as he hasn't heard that answer and maybe it hasn't been discussed. He asked if someone purchases the 51 acres, would that property owner have the right to put in an application to build.

Michael said that yes, as a property owner, they have the right to come into the City and request an amendment to the PD in order to change the amount of the approved lots, as long as the approval meets the approved density as is currently calculated. He said that Rock Springs Ridge is not overbuilt and said that there 2 different land use designations within the boundaries of RSR. He said the density is not consistent throughout the boundaries of he PD. He outlined the process in which they could increase the density. He said this would come before the Council for a vote and said if a LU Amendment is approved, the applicant must come back to amend the PD, which sets out the units within the development, contingent upon the density available. He said this could only happen upon approval of a FLUM Amendment.

Commissioner Becker said that in your opinion, the PD is the prevailing document.

Michael said the PD currently governs the number of units that are permitted within its boundaries and said

this is dependent upon the Future Land Use designations within its boundaries.

Commissioner Becker said that some of the residents in RSR take what can potentially happen as what will happen and said the PD agreement is designated as Gopher Tortoise mitigation area and said that being the prevailing document, that PD designation would have to go away in order for us to contemplate a land use change.

Michael said that to clarify, the entire 51 acres is not necessarily fully designated as a mitigation or gopher tortoise mitigation. He said in the initial approvals and plat for RSR, there is a conservation easement, which is definitely defined. He said with anything, an applicant can go back to the FWC and request an amendment to the conservation easement and a new one can be drawn.

Rogers Beckett asked if there has ever been any concept plan or any plan submitted for development in RSR as this rumor was circulating. The response was no.

CONSENT (Action Item)

1. Execute Release of Code Enforcement Lien for My Three Sun's, LLC. - 412 Blue Bird Street, Apopka, Florida.
2. Authorize the City Administrator to execute a lease agreement renewal with Aunt Gingibread Bakery, LLC.
3. Accept the disbursement report for August 2021
4. Accept the Budget to Actual Report; ending August 31, 2021.

Mayor Nelson asked if anyone needed to pull any of the items or had any questions. Hearing none, he asked for a motion to approve the four (4) items on consent.

MOTION by Commissioner Velazquez and seconded by Commissioner Becker, to approve the four (4) items on consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Approve Amendment No. 3 to the agreement between the St. Johns River Water Management District and the City of Apopka for the Apopka IDWTS Conversion Project
Presented by: Mayor Nelson

Mayor Nelson said this item is to approve Amendment No. 3 to the Cost Share Agreement between SJRWMD and the City of Apopka for the Apopka IDWTS Conversion Project. He said this is just to move this forward from 2021 to 2023.

Mayor Nelson asked if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve the cost share agreement.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve the Cost Sharing Agreement between the SJRWMD and the City of Apopka for the Apopka IDWTS Conversion Project. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

2. Discussion regarding the allocation of additional funding for the Apopka IDWTS Conversion Project Presented by: Mayor Nelson.

Mayor Nelson said the next item is that SJRWMD has additional funding and said obviously the funding up until this point has been 50% from DEP; 25% from SJWMD and 25% from the City of Apopka. He said we've put in 13 of these units out at Wekiva Glenn, which cost \$48,000 of the \$50,000 that we had contracted for. He said what this agreement does, is provide us the ability to add additional dollars toward additional units in Wekiva Glenn. He said the current agreement is that we can go up to 17 units, which will get us up to out of City \$60,753 and said the maximum number of units that the City can install under the additional funding with DEP and the SJRWMD is \$453,000 or 127 units. He said that's the maximum, if we wanted to do that and obviously would bring this back before Council to request the additional funding.

Commissioner Velazquez clarified that this will be coming out of the utility fund and said she does support this.

Commissioner Smith asked to clarify is we are we adding 4 more units or is this for another 17 units.

Mayor Nelson said right now, the initial funding was \$50,000 and we only have enough money to fund a few more units. He said we could agree to the \$60,000 with this current agreement and if we want to go with more, we have time to do that as there's money available.

Commissioner Smith said then we can go to the \$60,000 now and the balance will be available later to which Mayor Nelson confirmed.

Commissioner Velazquez said this community is the closest to Wekiva Springs and said she supports this.

Mayor Nelson asked if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve the allocation of additional funding for the Apopka IDWTS Conversion Project.

MOTION by Commissioner Velazquez and seconded by Commissioner Smith to approve Resolution No. 2021-44. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Resolution No. 2121-44 - Authorize the Mayor to sign and execute the Locally Funded Agreement and Three-Party Escrow Agreement with the Florida Department of Transportation
Presented by: Pam Richmond

Pam Richmond, Transportation Planner, said this is related to the Resurfacing, Restoration, and Rehabilitation (RRR) project on US 441 from West of Bradshaw Road to Central Avenue. She provided a summary of the benefits of this agreement and said the purpose of the project is to extend the life of the existing roadway and to improve safety along the corridor. She said the FDOT came in and when they looked at the corridor, she said as we all know, it can use some help. She said Central is the first segment of the corridor and said FDOT will be narrowing the medians in order to fix the curve. She said this will be the intersection where we'll get the stamped paver crosswalks, like we have at McGee Avenue. She said we're also getting conduit under the road so they can run power out to the three new medians and the existing median at Central Avenue so that we can do some lighting when we do the landscaping and watering. She said this is for a Local Funding Agreement with FDOT as they won't pay for everything. She said the City's total cost will be approximately \$30,811.50 and which includes the decorative sidewalks; the pavers for the crosswalks and the conduit. She said the ask is to authorize this Resolution and authorize the Mayor to execute the Three-Party Escrow Agreement with the Florida Department of Transportation.

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

Commissioner Velazquez asked when this project will begin to which Pam stated that we should start seeing construction on this at the end of the 1st Quarter of next year. She said there's another project on 441, further up but this one is ahead of that one. Commissioner Velazquez said this is a good one and for her, anything with safety is good and should slow down the traffic.

Mayor Nelson asked if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-44.

MOTION by Commissioner Velazquez and seconded by Commissioner Bankson to approve Resolution No. 2021-44. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

CITY COUNCIL REPORT

Commissioner Velazquez said we've already discussed Rock Springs Ridge and said she appreciates all of the discussion. She thanked the City and Staff, the Mayor, as well as Jason Wiggins and Gerry Maynard for the 9-11 event. She said this was absolutely beyond anything she had expected and said she's very proud of how our City honors September 11th. She said that is very important to her and she wanted to thank everyone for everything from 6:00 a.m. in the morning through the concert that evening. She said it was respectful and it honored the 20th Anniversary of September 11th.

Commissioner Bankson echoed the sentiment and said the bagpipes and drums when they came in gave him chills and said it was very impressive. He said he wanted to bring something up and said there's a lady he's run into several times in the neighborhood and said she's constantly walking around picking up garbage. He said this has been an issue in other places as well and said this is a particular pet peeve for him and said to people who throw things out their windows that it does not magically disappear. He asked what the structure of our Ordinances considering littering are and said it's a huge eyesore and he'd like to look into the best way to approach that.

Mayor Nelson said one of the things we're working on is the Keep America Beautiful program and we've budgeted for this and said this will give us ideas on how to begin to change people's habits.

Commissioner Smith said he too would like to commend the Fire Department and the Police Department for an excellent 9-11 event and said he attended all 4 of them, complete with a great concert that Saturday night. He said there were some great artists and wanted to thank them for an outstanding job that they did for 9-11 that we will never forget. He said he also wanted to commend Parks and Recreation for cleaning up the pond there at the old Little League field, just past Dream Lake and said it looks excellent. He said he hopes when we get this tractor with the extended arm, that we'll be able to clean out some more of those but this was a great project and great improvement. He said he wants Council to direct staff to take a look at housing. He said it's getting to the point where it's not affordable any longer for a lot of our residents. He said we need to look into workforce housing or affordable housing in our City so we're able to retain our residents, growing up here in the City of Apopka so that they can afford to live here.

Mayor Nelson asked Michael as to how many units we have that we've been able to take back that we've foreclosed on.

Michael responded that he's begun to notify those property owners that the properties are subject to foreclosure and said what happened is that they've gone out and cleaned up the properties, paid the fines and gotten them released. He said one of the properties, 1400 Piedmont Wekiva, where there

was a homeless camp there said the property owner eliminated the homeless camp and is currently in the process of cleaning it up. He said it was so effective that Orange County contacted our Code Enforcement Department and asked what we did to get the property owner to clean that up. He said one property, we are waiting for the Clerk of Court to get the Summons back to us and said we are beginning foreclosure proceedings on one of the properties, located in Rock Springs Ridge on Greenock and said we've filed the foreclosure action with the Court against that property. He said we have others we've run title work on but the issue has been that some of these properties have mortgages and said with those, our lien falls behind in priority and said therefore, there's no economic benefit for us to foreclose on a property.

Commissioner Becker said he echoes the sentiments of the other Commissioners and said that 9-11 is a memorable day for a lot of people and he thought Apopka celebrated and honored it in a memorable way and said kudos to all that were involved in that. He said it was a pretty special day for everyone.

CITY ADMINISTRATOR REPORT

Edward said he didn't have anything additional to report but echoed the sentiments of the Council and said this was a great event and pointed out that we were highlighted in the Orlando Sentinel for the 9-11 article.

CITY ATTORNEY'S REPORT

Michael had nothing additional to report.

MAYOR'S REPORT

Lowe's Volunteer Days at Camp Wewa Recap

Mayor Nelson said as you know we had 3 days last week where we had about 80 people, each day, come out from Lowe's and said he cooked about 120 burgers & 60 dogs for the hungry bunch on Wednesday; and said on Thursday, we bought 40 pizzas. He said on Friday, we had a smaller crowd but still cooked over 100 burgers and 40 dogs. He said it was a great effort by Lowe's and their team. He narrated a quick video and said they came with their equipment and supplies. He said John Beecher and Rudy were the two that led the plan for the volunteers and said they had it divided into 5 different teams of 3 stores, each of them taking on a whole quad. He said they did all the improvements on fans; lights; decks; landscaping and mulch and more. He said they also redid the firepit; pressure washed the deck at the dining hall and the benches; cleaned all of the mattresses in

the bunk houses, put in all new screens and cleaned up the dining hall. He said each of the different PODs are a different color so you know where to go. He said it looks beautiful and said our staff put in a new dock. He pointed out Elvis Alvarado and said he was a former camper at Camp Wewa in 1996. He said they even painted the cross at the chapel so it's nice and fresh and said they even donated a new flag. He said they even painted the old dinner bell with Rust-Oleum and said one of the volunteers helped him ring the bell for lunch. He said an amazing effort by Lowe's and said the team came out at 8:00 a.m. on Wednesday morning and really worked hard each day up until they left at 4:00 p.m. on Friday. He said that Greg Fox, a reporter in the Orlando area, called him about an insurance issue that was being brought before the Legislature in Tallahassee and we started talking about the City trying to buy Camp Wewa and mentioned that he should call his buddy John Beecher, who's the Lowe's District Manager and said he may be able to help. He said John thought this would be a great project as last year they didn't do any projects due to Covid. He said they had a couple of pre-meetings and saw what needed to be done so when they came out on Wednesday, they were ready to go. He said we owe them a debt of gratitude!!

Commissioner Velazquez said that perhaps one day we can have something out there and can celebrate them.

9/11 Events Recap

Mayor Nelson said we've mentioned Officer Wiggins and Lieutenant Mayard but said he also wanted to mention that Rob and Bob were out there at 7:00 a.m. setting up the stage for our 8:30 a.m. celebration of life and said without them, that would not have happened and thanked Rob and Bob for their attention to detail and to Kelly for helping put this together. He showed a brief video of the events of that day. He said thank you to everyone who had a part with either one of these events.

COVID Update

He said the numbers are coming way down and said we were at 20% 2 weeks ago and said we're down to 12.6% positivity and said this is looking a lot better.

Camp Wewa Vendors

He said Brian had a meeting with Zoom Air Adventures to look at Camp Wewa and maybe taking on the ropes course; the climbing wall and maybe even the canoe rentals for us. He said he also had a conversation with Steve Gunter who is a partner in the Highland Manor about a partnership with them to do the catering at Camp Wewa. He said he'd like to bring this back at the next Commission meeting for a vote to look at how we want to proceed with the catering and the rental of the facility.

ADJOURNMENT - There being no further business the meeting adjourned at 8:57 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk