

CITY OF APOPKA MINUTES

Minutes of the City Council Meeting held on August 17, 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: In what later became known as Victory Day, an official announcement of Japan's unconditional surrender to the Allies during WWII is made public to the world on August 14, 1945. Japan formally surrendered in writing two weeks later, on September 2, 1945.

APPROVAL OF MINUTES

1. Budget Workshop Meeting Minutes of July 25, 2022.
2. Budget Workshop Meeting Minutes of July 26, 2022.
3. Budget Workshop Meeting Minutes of July 27, 2022.
4. Regular Council Meeting Minutes of July 27, 2022.
 - a. **Mayor Nelson** asked if anyone had any changes or questions on the minutes. Hearing none, he asked for a Motion to approve the four sets of meeting minutes.
 - b. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve the four sets of meeting minutes.
 - c. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

PRESENTATIONS

1. Apopka Youth Fire Camp and Apopka Public Safety Academy Recap
Presented by: Lt. Jerold Maynard and Officer Jason Wiggins

Lieutenant Maynard, Apopka Fire Department, said we're here to talk about our 2022 Youth Fire & Police Summer Camp. He said these camps took place during the months of June and July and said during this time we were able to reach over 300 families within

our community. He said this program is broken down into ages: 8-10; 11-13; and high school age campers and exists to give an opportunity to our campers and their families with a first hand look at a career in public safety. He said most importantly, this program would not be possible without our Apopka Firefighters; Police Officers and many volunteers, sharing their knowledge and commitment with the next generation. He said we have a quick video we'd like to present.

Officer Wiggins said with the public safety youth camp, the older kids are all high school aged kids and said Chief McKinley and he discussed starting an Explorer program and said we're able to get at least 12 kids from the camp to start our new Explorer program. He said we can help mentor and groom these kids and this may help with our recruiting issues so we're feeling very positive about this.

Lieutenant Maynard said it's the same for us and said we have 4 or 5 kids that have been through this camp who are now firefighters with us and said we've seen a really good return as well.

Mayor Nelson said he knows when Covid hit and kids were cooped up, these two gentlemen stepped it up and doubled the amount of kids going through the program. He said he appreciates them keeping this up as he knows it's a lot of work but is a labor of love and there are a lot of kids that love being a part of your program.

Commissioner Velazquez said thank you for your dedication to the Fire and Police to the camp and said you go over and above what is required and said this is a great service to our community. She said she's seen the work that each of you put into this camp and we commend you.

Commissioner Bankson said he loves the public relations aspect long term and said these kids are going to grow up with a favorable view of our public servants and said thank you.

Commissioner Smith said he didn't have the opportunity to visit but said in looking at the video you showed, it looks like the kids really enjoyed themselves. He said this is a great public service that we provide to our youth and he's excited to see the Explorer program.

Commissioner Nesta said it looks like an absolutely incredible program and said it creates such accessibility to everyone within both departments and he said this creates a more personal level that we need so he loves this. He said next year when you're doing your work out, call us.

2. Rock Springs Road/Welch Road Intersection and West Orange Trail Extension Projects Update
Presented by: Amy Sirmans and Taylor Laurent

Pam Richmond introduced her colleagues Taylor Laurent of MetroPlan Orlando and Amy Sirmans of VHB. She said they've been working with us on the study of the Rock Springs Road – Welch Road Corridor intersection and West Orange Trail. She said we've spent a lot of time working on this and we should have this all wrapped up by the end of the year.

Taylor Laurent, MetroPlan Orlando, said we've been making some presentations periodically over the last year and a half and said tonight we're going to give you a preview of the recommended alternatives from the Study which will be presented in more detail during a public meeting that will be scheduled for this September.

Amy Sirmans, our consultant and project manager said we're here to talk about the progress of our study and as Pam mentioned, we've been in front of you a couple of times during this process. She said in our presentation tonight, we'll show you what we came up with for the Rock Springs Road recommendations; the Welch Road recommendations; as well as how that ties in with the West Orange Trail. She said we've had 3 different agency coordination meetings, which included Orange County and the City of Apopka as well as all of the various stakeholders that provided input on both projects. She said we had a kick off survey early in the project and received 627 respondents on that survey which was for both the road and the trail projects. She said we held a virtual community meeting back in February and received a lot of great input and from that, we did a follow up survey and received 628 respondents from that. She said we'll be holding another community meeting on September 22nd at 6:00 p.m. at the Apopka Middle School. She then provided a summary of the highlights from her presentation as well as their recommendations.

Commissioner Bankson asked whether there will be 2 right turn lanes on Sandpiper, westbound to which Ms. Sirmans said no, it will be 1 single right turn.

Pam stated we have this funded already.

Commissioner Velazquez said she's concerned with the exit from McDonalds and asked if there will be a signal there to which Ms. Sirmans stated that signal will be between the roadway on the north side of McDonalds and the old Bubbalou's.

Ms. Sirmans then provided an overview of the West Orange Trail recommendations and reviewed the highlights and anticipated impacts for drainage, which are necessary. She said the estimated costs for the Rock Springs Road portion is approximately \$5,000,000; for the Welch Road will be approximately \$4,400,000 and for the Ponkan Road spur, we're looking at \$5,400,000 for construction.

Commissioner Nesta asked about the realignment for the Welch Road and asked if this will make this more of a turn and also asked if the path near Wekiva Springs is on the

State Parks property to which Ms. Sirmans confirmed, yes to both.

Commissioner Bankson said he's so glad we're working to preserve this and making it accessible. He said it's beautiful there.

3. Downtown Apopka Trail, design update by Newkirk Engineering
Presented by: Tyler Malmborg

Tyler Malmborg of Newkirk Engineering, said this is a quick presentation of a project heading to construction later this year. He said it's 2.2 miles of a 10' wide multi-use trail in the Downtown Apopka area. He said this will include street lighting; new trees will be planted and said along the segment on 6th Street, we'll have resurfacing of the asphalt pavement and reconstruction of the curb and gutter. He said the one improved mid-walk crossing beyond signs and pavement markings with the rapid flash beacon will be at 6th Street and Park Avenue. He provided an overview of the map and said the project is primarily broken down into 4 segments and said 3 of them are moving forward with construction and said the first 2 segments to be built will be along Michael Gladden from Park Avenue to Hawthorn; along Hawthorn and 5th Street; from Michael Gladden to 5th Street and 5th Street to Central Avenue on the west side where the Station Street project will be. He said those projects will take about 3-4 months and a month or two longer to build the 6th Street component. He said all of this should be wrapped up at the middle of next year. He provided a brief summary and the highlights of additionally coordinated areas on the east side of Alonzo Williams Park and said we're doing parking and other improvements that are related to these.

Mayor Nelson said we still have the \$1,000,000 from the CDBG Grants that we're getting for sidewalks in South Apopka in addition to what we've seen tonight and said there's a lot of great activity that will be happening soon.

AGENDA REVIEW

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

PUBLIC COMMENT PERIOD

Dennis New - 105 W. Magnolia Street, Apopka, FL, said he came here a month ago and pointed out some issues with City owned properties and said to date, there's been a little bit of mowing and vine pulling have been done but nothing else. He voiced his concerns over character; calls to staff not being responded to from several departments; water pipe hazards and sidewalks among other issues.

Dr. Olmstead said she turned in her address on the form. She said when a citizen qualifies for office, they're notified of Florida Statute, 106.1435 stating they are not to place signage on State or County Right-of-Ways. She said the City's Code, 5.10.10 states this as well and said this has been violated at all level from numerous candidates. She

said the County and State have been doing their job since June and said we have a long way until election day and said Apopka must step up and do the right and legal thing now.

Albert McKimmie, 3603 Golden Gem Road, Apopka, FL said, he owns the property at Golden Gem Road and said he believes it's adjacent to the City property however there is no contact details and said this is very concerning. He said he's contacted Planning and Zoning but said he's left several messages for them but has not received a call back. He said he manages a 501-C3 horse rescue and rehabilitation facility on Golden Gem Road and provides free services to the community. He said prior to this development, we had free access to the trails from which all members of the public are now excluded. He said he understood that after the completion of the retention pond, the public would be admitted again but this has not happened. He said Golden Gem Road has now become a shortcut used by high speed traffic requiring access to the 429 from Ponkan Road and said it's become very dangerous to drive, let alone to ride a horse. He said with respect to the retention ponds, his calculations suggest that millions of tons of clay would be removed from the site based on 150 acres at 30' deep. He said at \$2.50 per ton, there's a potential for \$10,000,000 to the City. Lastly, he asked when the projected completion date will be.

Mayor Nelson referred him to Glen Brooks from Public Works and said the Police Chief will address the speed on the roadway.

Rod Olsen, 3156 Rolling Hills Lane, Apopka, FL, said he had the opportunity to observe the first day of school and the chaos first hand at Apopka High School; Kelly Park and Wolf Lake Middle School. He said the team work of the SRO's; Traffic units and other APD Officers was inspiring. He said they did a great job and the patience they showed the students and parents was awesome. He said that was all he was going to present until he received this picture from Apopka High School. He said this is not safe and it's wall to wall people. He said OCPS is the 4th largest school district in the State and 9th largest in the Country and said Orange County is the most over capacity in the entire state and said currently, we have 1,328 portables are on Orange County Schools. He said Orange County is the fastest growing County in Florida and the rapid growth is why we have such overcrowding. He said this is why this must be addressed in Tallahassee. He said Apopka has a disproportionate number of over capacity issues due to our growth. He said without a concerted effort, between the Mayors, Commissioners and citizens of Orange County, we will continue to put our students and our teachers at risk. He said we must schedule a meeting in Tallahassee and present a united front.

Kevin Rhodes, 2087 Lake Marion Drive, said he's been an Apopka resident for about 16 years. He said he has a 12 year old daughter and said when we looked at Summer Camp we realized there were very few as the pandemic closed down a lot of the camps. He said we went to the Camp Wewa open house and said we thought it was a nice place and she liked that it was shady but said this wasn't a selling point for her. He said then, Gary

Fuchs, who was the director, really showed his passion and convinced her that she'll have fun and said when he saw that he was terminated, he was really surprised. He said he's been keeping up with the story to try and find out why.

CONSENT (Action Item)

1. Authorize the Police Chief to enter into a mutual aid agreement with the Lake County Sheriff's Office.
2. Authorize the Police Chief to enter into an agreement with the School Board of Orange County for the School Resource Officer Program.
3. Authorize City staff to submit a grant application for funding consideration of the Wekiwa Springs Region Aquifer Recharge as part of the Florida Department of Environmental Protection (FDEP)'s Water Quality Improvement Grant Program.
4. Authorize City staff to submit a grant application for funding consideration of the Dream Lake Nutrient Separating Baffle Boxes (NSBB) as part of the Florida Department of Environmental Protection (FDEP)'s Water Quality Improvement Grant Program.
5. Authorize City staff to submit a grant application for funding consideration of construction of the Southwest Water Treatment Plant as part of the Florida Department of Environmental Protection (FDEP)'s Water Quality Improvement Grant Program.
6. Authorize City staff to submit a grant application for funding consideration of a reclaim water storage reservoir at Pike Lake as part of the Florida Department of Environmental Protection (FDEP)'s Wastewater Grant Program.
7. Authorize the execution of piggyback contracts for fiscal year 2022.
8. Authorize the issuance of evaluated and sole source memos.
9. Accept the disbursement report for July 2022.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.

Commissioner Bankson inquired as to item #1 and said he's curious as to how this works with the different jurisdictions.

Chief McKinley said the reason for the Mutual Aid Agreement is so that we can have the authority to go into their jurisdiction and act. He said under this agreement, they officers are still our responsibility and have to follow our policies and procedures and not Lake Counties. He said it's the same if the Lake County Sheriffs or Detectives that may come into the City of Apopka. He said we find ourselves more and more going into Mount Dora and neighboring Lake County areas.

- b. Hearing no other questions, he asked for a motion to approve the **nine items** on Consent.
- c. Motion by **Commissioner Smith** and seconded by **Commissioner Bankson** to approve the **nine items** on Consent. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2950 – Second Reading – Zoning Amendment – Oaks at Kelly Park Phase 3
Owners: Nam Ki Yeon; Lee Jong Dan Nam; Lee Lee Kyun; Lee Myung Ja; Robert J & Alana T. Hutter
Applicant: G L Summitt Engineering, Inc. c/o Geoffrey L. Summitt, P.E
Location: North of Kelly Park Road, east of Plymouth Sorrento Road and west of Foliage Way
Project: 39.47 +/- acres
 - a. **Mayor Nelson** asked if there were any changes since the first reading to which, **Jim Hitt** stated there are none.
 - b. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2950.
 - c. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2950. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez said she handed out an email to everyone regarding the Diversity, Equity and Inclusion Committee. She said from the very beginning, she's had some questions about it as she felt that we were not included in the process and once we were, we were only allowed to add one person. She said we talked about having an event September 17th and said now we're less than a month away. She said she was asked to participate in a program to celebrate the Hispanic Culture and it falls on the same day as the City's event. She said haven't received any information about this event and said she'd like to know why we organized a Diversity, Equity and Inclusion committee. She said she asked Edward if there was a Mission Statement yesterday and he said no but the committee would get together and create one. She said today, one of the members advised that we do have one. She said she's asked several times for the list of committee members, which was provided on the 27th. She said at that time, we discussed that each of the Commissioner's would select one member. She then read the mission statement and asked what our part is in the committee.

Mayor Nelson stated this is just a committee. He said he wrote the mission statement and provided to each of the members of the committee and asked them to review it and make any adjustments or additions they have and bring it back to the next meeting in a few weeks.

Commissioner Bankson asked if these types of committees are in our Charter or are they outside of the Charter.

Mayor Nelson stated that these are outside of the Charter.

Commissioner Bankson brought up the subject of the Noise Ordinance and said he assumes everyone received the email and according to this, we don't have an ordinance. He asked where we're at with this and how do we move forward. He said we want people to have their liberty and freedom but it needs to be reasonable as well.

Michael Rodriguez stated that we do not have an explicit Noise Ordinance regulating the level of noise and said noise ordinances are usually very technical and specific. He said there are often difficulties or questions regarding enforcement or what people perceive enforcement should be. He said currently, we have mechanisms under the Code that can be used to enforce certain violations or issues. He stated that he hasn't been directed to draft one however, he has reviewed those of other jurisdictions.

Mayor Nelson asked Michael to put together a presentation to provide some insight as to what other jurisdictions have taken to enforce the noise ordinance.

Commissioner Smith said he's excited that we have the Diversity, Equity and Inclusion committee and that we're off to a good start. He said he'd like to look ask that we look at a committee for annexation and said September 8th is Grandparents day and said Care Plus and myself will be having an event celebrating grandparents from 10:30 a.m. – 1: 00 p.m. at the Care Plus office on Orange Blossom Trail and said lunch will be provided to the first 75 people.

Commissioner Nesta said last week we all went to the Florida League of Cities speaker on Friday that gave a really emotional presentation and said it was cool to interact with other elected officials throughout the state and see what issues they're going through and how they deal with their different issues. He said that was a very valuable experience.

CITY ADMINISTRATOR'S REPORT

Edward Bass said he had nothing to report today.

CITY ATTORNEY'S REPORT

Michael Rodriguez said he had nothing to report.

MAYOR'S REPORT

Mayor Nelson said he had nothing to report as well and said let's all have a great week.

ADJOURNMENT

The being no further business the meeting adjourned at 8:20 PM

Bryan Nelson, Mayor

Attest: _____

Susan M. Bone, City Clerk