

## **CITY OF APOPKA**

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### **Minutes of the regular City Council meeting held on July 31, 2019, 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 Alice Nolan  
City Attorney Joseph Byrd  
City Administrator Edward Bass

**PRESS PRESENT:** John Perry, The Apopka Chief  
Reggie Connell – The Apopka Voice

**INVOCATION / PLEDGE OF ALLEGIANCE:** - Mayor Nelson called on Linda Laurendeau, resident, to give the invocation and lead in the Pledge of Allegiance. She said on this date in 1971, Apollo 15 astronauts took a 6 ½ hour electric car ride on the moon. This is the 50th anniversary of Apollo 11 landing on the moon.

#### **APPROVAL OF MINUTES:**

1. City Council regular meeting July 17, 2019.

**MOTION by Commissioner Nolan and seconded by Commissioner Smith to approve the regular meeting minutes of July 17, 2019. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Nolan, and Smith voting aye.**

**AGENDA REVIEW** – City Administrator Bass advised there were no changes.

#### **PRESENTATIONS:**

1. **Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2018 from Moore Stephens Lovelace CPA's and Advisors.**

William Blend, Moor Stephens Lovelace said he was here to present to Council the fiscal year end September 30, 2018 CAFR report as well as the required communications. He reviewed the highlights of the required communications. He said this letter speaks of the auditor's responsibility to the City and they did perform their services in accordance with required generally accepted auditing standards and government auditing standards. He said they evaluate internal controls; however, there is not an audit of internal controls. He stated pages 1-3 in the CAFR is the Independent Auditor's Report and the City received a clean report. He pointed out the report on internal control is on pages 103 and 104. The City did require a State Single Audit this year with the SRF Loan being the main review. He advised this was a clean report. He said the Finance Department has had a lot of transition. Finance staff has been very cooperative in working through this audit. A copy of the CAFR is on file in the City Clerk's office as well as Finance Department responses to the auditor observations, weaknesses, and deficiencies.

Mayor Nelson asked Mr. Blend, for the record, if after their initial conversation it they had any further communication by phone or email. Mr. Blend responded they had had no further communication.

Jamie Roberson, Finance Director, provided a Power Point to review the management response to the findings, a copy of which is filed with the minutes.

**MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to accept the CAFR for Fiscal Year ended September 30, 2018 as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

**PUBLIC COMMENT** - No speakers.

#### **CONSENT**

1. Approve Hold Harmless and Indemnification Agreement – Avian Pointe Parcels A, B1 and B4
2. Approve Amendment I of the agreements with Landfall Strategies, LLC and Crowder Gulf Joint Venture, Inc.
3. Authorize the renewal of the franchise agreement for the additional term of two (2) years.
4. Approve an extension for the roadway closure of West Martin Street between Vick Road and the Southwest Entrance to Apopka High School from August 2, 2019 through August 9, 2019.
5. Authorize the disposal of surplus equipment / property and removal of asset property from the City asset list by A-1 Assets.
6. Authorize the issuance of blanket purchase orders.

**MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve six Items on the Consent Agenda. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Nolan, and Smith voting aye.**

#### **MILLAGE RATE (Action Item)**

1. **Approve and Set the Fiscal Year 2019-20 Millage Rate.**

Edward Bass said Council would need to set the proposed millage rate this evening. He said in September there will be two public hearings, the first will adopt the tentative budget and millage and the second public hearing sets the millage rate and adopts the final budget. He provided an overview of the proposed budget. He affirmed when setting the proposed millage rate it is easy to adjust the millage rate down, but very difficult to increase. He said July 29, 30, and 31, 2019 Council held Budget Workshops and tonight the proposed millage rate would be set. CRA Budget will be before Council in August, and the Budget Public Hearings will be held September 4 and September 18, 2019. He said the property taxes show an 8.3% increase if we remain at the current millage rate. The proposed budget is balance and there is not an increase in the millage rate. He advised the state revenues, with the exception of the local communication service tax, have had an increase. He pointed out this budget also reflects an increase in some of the recreation fees. He advised the sponsorship and Apopka Proud Concern revenues that offset expenditures are included. He affirmed the Traffic Light program has been phased-out and there are no revenues reflected. He advised there are no loans and no use of

reserves in the proposed budget. Revenues for the General Fund are approximately \$50.3 million, a 5.2% increase in revenues from the prior year.

Mayor Nelson opened the meeting to public comment. No one wishing to speak he closed the public comment.

**MOTION by Commissioner Bankson, and seconded by Commissioner Becker to set the proposed millage rate at 4.0376.**

Mayor Nelson said in accordance with the truth in millage (TRIM) requirements, the City must set the proposed millage rate and advise the property appraiser of the proposed millage rate, rolled back rate, date, time, and place of tentative budget hearing.

The proposed millage rate is 4.0376, which represents a 5.92% increase over the rolled back millage rate of 3.8121.

The Tentative budget hearing is scheduled for Wednesday, September 4, 2019, at 5:15 p.m. in the Council Chamber.

**Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

**BUSINESS**

- 1. Final Development Plan – Wash City Apopka**  
**Project: Wash City, LLC, c/o Harold Chenoweth**  
**Location: 1860 and 1880 East Semoran Boulevard**

Jean Sanchez, Planner and Project Manager, provided a presentation on the Final Development Plan for Wash City Apopka. She noted this is subject to the 1993 Land Development Code. She reviewed the location on a map and the surrounding uses. The site plan proposes a building 5,510 sq. ft. in size for a car wash use. The Planning Commission approved the conditions with special exception to allow a car wash facility on this site. Full access will be from S.R. 436 via a private drive aisle. She advised there would be a 6 ft. high wall lining the 30-foot wide southern boundary adjacent to the Willow Lake Apartment recreation area and there is a 5-foot landscape buffer adjacent to the northern boundary line. She reviewed architectural renderings of the proposed building. DRC and Planning Commission recommended approval.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Nolan, and seconded by Commissioner Bankson to approve the Wash City Apopka Final Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

- 2. Plat – Vistas at Waters Edge, Phase 2**  
**Project: M/I Homes of Orlando, LLC**  
**Location: West of the South Binion Road and Marden Road Intersection**

Bobby Howell, Senior Planner and Project Manager said the applicant is requesting approval of the Plat for Phase 2 of Vistas at Waters Edge Subdivision. Phase 2 is 63 lots located on the west side of the intersection to Harmon and Binion Roads. The Vistas at Waters Edge is a 2 Phase subdivision consisting of 143 units. The Plat is consistent with the approved lot sizes in the Final Development Plan approved by City Council in 2018. Infrastructure has been completed for both phases and accepted by the city. Internal streets and infrastructure are privately owned and maintained by the Vistas at Waters Edge HOA. DRC and Planning Commissioner recommend approval.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve the Vistas at Waters Edge, Phase 2 Plat. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan.**

#### **PUBLIC HEARINGS/ORDINANCES/RESOLUTION**

**1. Ordinance No. 2733 -First Reading - Changing the City General Election date.**

The City Clerk read the title as follows:

#### **ORDINANCE NO. 2733**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE ELECTION DATE FOR THE 2020 CITY GENERAL ELECTION TO MARCH 17, 2020; CHANGING THE RUN-OFF ELECTION DATE FOR THE 2020 CITY GENERAL ELECTION; DESIGNATING THE DATES FOR QUALIFYING FOR THE 2020 CITY GENERAL ELECTION; AUTHORIZING THE CANVASSING OF BALLOTS FOR THE 2020 CITY GENERAL ELECTION AS OUTLINED IN SECTION 30-26, APOPKA CODE OF ORDINANCES; PROVIDING FOR NOTICE TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Linda Goff, City Clerk, said the City General Election would be in conjunction with the Presidential Preference Primary in 2020, which is the third Tuesday of March. As required by the Code of Ordinances, this ordinance addresses changing the date of the General Election to March 17, 2020, changing the Runoff Election to April 14, 2020, and sets the qualifying dates. This ordinance also authorizes Orange County Canvassing Board to canvas the election. The recommendation is to approve Ordinance No. 2733 at first reading and carry it over for a second reading and adoption.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Nolan and seconded by Commissioner Smith to approve Ordinance No. 2733 at first reading and hold it over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Noland voting aye.**

## **CITY COUNCIL REPORTS**

Commissioner Nolan apologized for being late at one of the previous Budget Workshops. She was traveling back from a work related trip and was delayed.

## **CITY ADMINISTRATOR'S REPORT - No report**

## **MAYOR'S REPORT**

Mayor Nelson said approximately two weeks ago, he received a call regarding wastewater ponds about to overflow and within 48 hours, they were able to set up a meeting with Department of Environmental Protection. Within the next 24 hours he was able to have an emergency permit in order to irrigate and use the spray fields on a 24/7 basis. He reported a meeting was held earlier in the day with Altamonte Springs, Utilities Inc., and Orange County and spoke of the number of gallons of stormwater we are obligated to take from these entities. He said a 300 million gallon pond is being built that will help. He advised the city needs to evaluate how we manage the ponds versus the ability to dump water in the event of a large storm. Mt. Dora coming on board will also help alleviate. He said this would be back before Council in the future.

Mayor Nelson reported tomorrow evening is the Apopka Youth Works dinner.

## **CITY ATTORNEY'S REPORT**

City Attorney Byrd reported in the press releases David Sulik has been characterizing that the response he filed with the Clerk of Courts did not obtain confidential health information. Looking closing at the response it is clear there was no question that it was protected health information and the filing was a violation of HIPPA. However, on July 26, 2019, he received an email from the Orange County Clerk of Courts informing him that while the case has been accessed online 161 times, Mr. Sulik's 1100 page response was only viewed five times prior to the court approval to seal this. It has been determined and verified that these five views were by himself and no one from the public viewed it. The risk was eliminated for the citizens having their confidential health information exposed and there was no disclosure to public individuals. Mr. Byrd advised a letter would be composed to send out advising the citizens there was no disclosure.

**ADJOURNMENT:** There being no further business the meeting adjourned at 9:11 p.m.

ATTEST:

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Bryan Nelson, Mayor

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Linda F. Goff, City Clerk