

City of Apopka Minutes

Minutes of the City Council Meeting held on July 27, 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

John Peery, 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 July 26, 1775, the U.S. postal system is established by the Second Continental Congress, with Benjamin Franklin as its first postmaster general. Franklin put in place the foundation for many aspects of today's mail system. During early colonial times in the 1600s, mail deliveries from across the Atlantic were sporadic and could take many months to arrive. There were no post offices in the colonies, so mail was typically left at inns and taverns. In 1753, Benjamin Franklin, who had been postmaster of Philadelphia, became one of two joint postmasters general for the colonies. He made numerous improvements to the mail system, including setting up new, more efficient colonial routes and cutting delivery time in half between Philadelphia and New York by having the weekly mail wagon travel both day and night via relay teams. Franklin also debuted the first-rate chart, which standardized delivery costs based on distance and weight.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of July 6, 2022.
 - a. **Mayor Nelson** asked if anyone had any questions about the minutes. Hearing none, he asked for a motion to approve minute of July 6, 2022.
 - b. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve the **minutes** of July 6, 2022. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

AGENDA REVIEW

Edward Bass. City Administrator said Staff would like to pull Business item #3.

Commissioner Nesta asked if this will be pushed to another date.

Mayor Nelson said we thought we had a contract for this but we just met with the gentleman from Brazil and we need to work through this.

PUBLIC COMMENT PERIOD

Dennis New, 105 W. Magnolia Street, Apopka, FL 32703 said he was before the Commission 3 weeks ago with some issues and said the update on that is that grass got mowed and weeds were pulled but that's about it. He stated the minutes of the last meeting did reflect what I said after my 4 minutes was cut off and said he called for the Commission to censor the Mayor. He said it's in the recording but not reflected in the minutes. He said he's here to talk about safety and said the reason he's having a hard time cleaning up his yard is because he's working with one arm. He said he tripped on a poorly maintained sidewalk at the park and said he has to have surgery on his shoulder. He said he heard the Mayor mention grants for replacing concrete and asbestos pipes and spoke about some of the dangers.

Esmerelda Walker, said she lives in the Sheeler Oaks subdivision. She said she's grateful for the inlets installed in the subdivision however, she and her neighbors are still experiencing severe flooding issues on Larkwood Drive, Saddleback Ridge Road and Mill Run Circle. **Mayor Nelson** said this item is coming up on the agenda and asked her if she could wait and provide her comment until after the presentation. She stated she'd like to continue. She said during the two previous floods, we had to call 911 for the Fire Department to help us. She thanked Commissioner Nesta, Commissioner Velazquez and Commissioner Bankson for their responses to her emails. She said she has not heard from staff about how they will help fix the continuous flooding issues. She expressed her concern with being in the middle of hurricane season.

Ace Woodham, 47 E. Magnolia Street, Apopka, FL 32703, said he's been a resident of Apopka for 66 years and said he's disappointed in the direction the City is heading. He said he was with the Apopka Fire Department as a youth and said Roy Gilliam helped raise him and we were like a family. He said that's how Apopka firefighters have always been and they were proud of the community they served. He said we could not ask for a better group of guys and girls that are serving us right now at a young age of 23, 24, & 25 and said it's obvious they put their lives on the line to protect us. He said the firefighters trained and cross-trained between the stations and they all had the same opportunity to learn and everyone was on the same page about safety and response. The goal was always the same to go home the next day and to save and protect our citizens. He said we always had an officer to do all of the training and cross training and said it worries him that we don't have this in place. He said we need training and safety mechanisms across the board including police department.

CONSENT (Action Item)

1. Execute release of Code Enforcement Lien at - 803 N. Park Avenue, Apopka, FL
2. Execute release of Code Enforcement Lien at - 127 East Sandpiper Street, Apopka, FL
3. Execute release of Code Enforcement Lien at - 105 West Summit Street, Apopka, FL

4. Authorize the Mayor to execute the grant agreement with the Florida Department of Environmental Protection -for Camp Wewa septic-to-sewer conversion.
5. Accept the disbursement report for June 2022.
 - a. **Mayor Nelson** asked if anyone had any questions or needed to pull any of the items on Consent. Hearing none, he asked for a motion to approve the five items on Consent.
 - b. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve the **five** items on Consent. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

MILLAGE RATE (Action Item)

1. Approve and Set the Proposed Fiscal Year 2022-23 Millage Rate.
Presented by: Edward Bass

Edward said first, we'll go through the General Fund, as that's our major fund. He said tonight, we have to set the Proposed Millage Rate and we need to set two Public Hearings, the Tentative Public Hearing and the Final Public Hearing. He said those will both be in September and will be the dates where you adopt the Final Millage Rate and Final Budget for FY-2023.

Edward said he'll go through the major funds and will show you they're all balanced, which is important. He said we're not done at this point and we can still change or add things as the budget is a moving target until we get to September. He said things can change including salaries, benefits but said the budget is currently built for those small kinds of changes. He said, at the end of the budget presentation, he will share the millage rate options you have. He said keep in mind, when you set the millage rate, you can go down but it's not as easy to go up so wherever we set it at tonight is pretty much your cap. He said the budget is balanced at the current millage rate and said as we move through, he'll show you some of those highlights of where we are and how we got to where we are.

Edward said from a general fund prospective, you can see the general fund is balanced and said revenues and expenses are balanced at a little more than \$64,000,000, which is almost 10% more than the prior year and approximately \$6,000,000 more in spending this year over last year. He said you can see Public Safety gets almost 61% and said this is up 1% from last year. He said in addition, Public Services has about 5%; Parks and Rec is almost 12%; Transfers is \$2,000,000; General Government is 14.5%; and said Community Development is about 5%. He said that's where your dollars are going from your general fund monies. He said personnel makes up 67% and said almost 24% is operating expenses and capital outlay is about 7% and said debt service is at 1.6% and said transfers are also about 1.6%. He said he won't go through every revenue line and said he'll go through the ones that have changed or the significant ones where the major increases are projected to happen. He said if you look at your property tax, it's up 21.5%. He said this is one of the biggest increases we've ever had in property taxes and is almost \$3,600,000, due to growth and an increase of 3% on homesteaded properties. He said moving down, you can

see Communication Services tax is up \$250,000 or 16% and said that's a revenue that comes through the State. He said under state revenue sharing and local half-cent sales tax, both of those numbers make up the Sales Tax dollars that are projected by the State and said those two numbers together represent an increase of \$927,000 in sales tax or about 8.6%. He said keep in mind that this number changes every day as they make projections and said these are the most current numbers we have but are subject to changes as the state makes their adjustments. He said he's already received one adjustment which reduced this by \$50,000. He said it's not a big number but as we move through and get to September, it could be adjusted further. He said he hopes not but this is why we have reserves.

Commissioner Bankson said so that's a reduction of \$50,000 down. **Edward** confirmed yes but keep in mind that's why we have reserves so if we build this budget and the state makes a \$300,000 reduction, we can use our reserves to keep our budget balanced.

Commissioner Nesta asked if we have an average variance built into this per year. **Edward** said no as this is a projection provided by the state and they encourage this number.

Edward said moving down to Zoning fees, he said you can see that they were \$55,000 last year and \$200,000 this year. He said this is the one Jim was talking about and is getting ready to bring you some changes to the Planning and Zoning fees so we have a projection of increased revenues as those fees haven't been increased for a long time. He said you can see Business Tax was at \$195,000 last year and this year's projection is \$300,000. He said we have a projected increase here as we're looking to piggyback off of a contract to have someone review all of our business tax for all of the businesses within the City limits to make sure we're capturing everyone so that every business is paying. He said we believe we have approximately \$100,000 more in additional revenue from businesses that we're not capturing. He said moving down to Ambulance fees, as you recall at the fire department workshop talked about the additional revenues from Medicaid, since we're a part of the program with our new ambulance billing process, they've projected \$150,000 in ambulance fee revenues. He said the next significant revenue is other Public Safety charges for Fire and said this year you'll see \$10,000 and said the year before it was \$300,000. He said these are the fees you recently approved for fire inspections and will be a new revenue going forward based upon the new fire inspection fees and said these are conservative numbers. He said most of the other revenues are pretty even and flat but said one significant one is in reserves. He said we're using about \$1,400,000 in reserves to balance this budget, which is about what we used last year. He said even with using the \$1,400,000 in reserves, we're still maintaining a 25% reserve balance.

Commissioner Nesta said so we're using savings to balance our budget.

Edward said yes, it's reserves that are established and can be used to help balance the budget or emergency purposes.

Commissioner Smith said there's a \$750,000 decrease in recreation activity fees and asked if there was a reason for such a drop.

Edward said Radley will come back to you and provide an overview of our Recreation Department with the new programs for Camp Wewa and said we didn't collect the revenues from these programs but we also didn't expend the money for some of those programs. He said once he gets a full year of the camp program in, we'll come back and show you that.

Edward said now we'll move down to the major highlights in this budget. He said you heard from all of the departments so some of this will be similar to the workshops and said this is everything together so you can see how we're funding that. He said everything you heard at the workshops is in here and nothing has been eliminated from what they presented. He said from the expenditure side, we have merit pay of up to 6% and said longevity pay has been doubled to help the employee with inflation costs and said this is separate from the merit pay. He said we reached out to other jurisdictions and we're at the top as far as merit pay goes. He said the Police Department competitive pay adjustments have all been funded and are included in this number. He said we have 17 new positions in the general fund including two new crossing guards and have increased their pay to \$15 per hour. He said we've put in some additional funding for our seasonal employees and camp counselors to be more competitive. He said we've increased the Park Rangers to \$15 per hour and said we have a few positions that are not at \$15 per hour and said those are in here as well. He said we also have 6 new Fire Fighters funded in this budget; we have a Web-Content and Social Media Analyst; a GIS Coordinator; 2 Multi-Code Inspectors; a Parks worker for beautification; a Financial Analyst; a Accountant I and an Accountant Clerk; an HR Specialist as well. He said those are your 17 new positions that are in this budget.

Commissioner Nesta said when we had our workshop, this wasn't budgeted.

Edward said we budget for a certain number of personnel and a dollar amount and said that dollar amount was calculated to be able to increase those wages and said it's not a big amount but said we've budgeted enough in this budget.

Edward said we saw a 10% increase in our Health Insurance premiums this year. He said training dollars are up across all budgets and said they're up 91%. He said this includes Police and Fire Departments increased their training budgets significantly in this current budget. He said the Commissioners discretionary account increased from \$3,000 to \$10,000 so you'll have more dollars to help those non-profits and organizations that you wish to help. He said our annual debt payment shows a reduction of \$1,200,000 as we've paid off a couple of loans. He said we'll be coming back to you with the Public Safety Complex proposal and said this will require a debt service payment so we're in a good place to add that.

Commissioner Bankson asked what the cost of this will be to which **Edward** said as you heard, the number is about \$53,000,000 and said we're hoping that by the time we do the design, the market will have improved and this will be less than \$53,000,000.

Edward said some of the major capital items that are funded are 20 new vehicles over all of the departments. He said in addition, this budget includes a Fire Engine; 2 Ambulances;

an ADA Playground; the VFW Video/Audio system; Kit Land Nelson gazebo replacement; restrooms and racquetball roof at Kit Land Nelson needs replacing. He said on the revenue side, the current millage rate is 4.1876 and said that's where we're currently balanced. He said the taxable value was \$917,000,000. He said in review, we have a \$3,600,000 or 21.8% increase in property tax revenue; \$927,000 or 8.6% in sales tax revenue; \$250,000 in communication services tax revenues; \$290,000 in fire inspection fees increased; \$150,000 in ambulance fees; \$145,000 in Planning and Zoning fees that we'll bring forward; \$105,000 in Business Tax revenues and \$1,400,000 in reserves to balance the budget. He said the General Fund Budget is up 10% and is balanced at a little over \$64,200,000. He said the millage rate is currently at 4.1876 and said should the Council decide to increase the millage, he would recommend we need to do it for something significant to allow for room to make any small adjustments. He went through and highlighted all of the other funds as well and said these budgets will not be adopted until September.

Edward said tonight, we have to set the millage rate and said keep in mind, whatever we set, we can always go down in September. He said we have to notify the Property Appraiser by this Friday, July 29, 2022 as to where that millage rate will be. He said we also have to set the Public Hearing dates and said right now, we recommend, Wednesday, September 7th at 5:15 p.m., in City Council Chambers and said this will be the Tentative Budget Hearing and said we're proposing to set the Final Budget Hearing on Wednesday, September 14, 2022 at 6:00 p.m. He said we're here to answer any questions you may have.

Commissioner Velazquez said there were some needs that haven't been mentioned and said we need a compliance officer and a fire inspector and a training officer.

Chief Wylam said he'll respond to your questions and said he wanted to get into some of the other things that were discussed the other night. He said he wants everyone to understand that we're dealing with the loss of one of our family members and said it was stated that he's not taking it seriously or that he doesn't care. He said he started in fire service at 21 years old for the Eatonville Fire Department and said he was lucky enough to get hired here in 2002 at 22 years old. He said there are a lot of opportunities throughout someone's career and said he started as a firefighter EMT and said he's done many different things. He said something of this magnitude will change a lot of things but said cultural change doesn't happen overnight. He said he wants to ensure that some of those changing behaviors and new norms so that they become culture. He said this incident is still under investigation with the State Fire Marshall and said we've formed a newly established safety committee yesterday. He said once the investigation is complete, we will bring you a post incident critique. He said this incident will be investigated thoroughly because Austin deserves a complete and accurate investigation. He said we have a lot of healing to do and still have a lot of people dealing with emotional distress and shock and said we're all hurting. He said we'll get through this and he's dedicated to keeping us moving forward.

Commissioner Velazquez said she understands you're moving forward but asked what we have in place right now. She said the other night at the Workshop, your men were sitting here and they were all distraught, angry, sad and you left and didn't get to hear what they said but we did. She said that may be why they think you don't care. She said with the 6 new Firefighters you have coming in, we need to have the senior officers doing the training. She said ask us for what you need in order to have a stronger and more experienced fire department. She said whatever it takes, if you want to do something for the firefighter that you lost, put these safety programs in place now.

Commissioner Bankson said for clarity sake, you have someone training or is that the position that's being held. **Chief Wylam** said all of the EMS training is handled through the Chief of EMS, Wil Sanchez and said the suppression side is handled through Chief Howell. **Commissioner Bankson** said we need those assurances that these things are in place. He said if we need to fund someone specific for this, please tell us as we're in total support.

Commissioner Smith said we're prepared tonight to fund a full time position for a safety and training officer where they have no other responsibilities and asked if he's willing to accept that. **Chief Wylam** said sure, absolutely. **Commissioner Smith** asked how much it costs for a firefighter to go to the academy and asked if we can fund this so the firefighter doesn't have to come out of pocket. **Edward** said he'll review and advise as we can do reimbursement but he's not sure.

Commissioner Nesta said we'll give you all of the money you want and said you don't seem to be asking for it and said he'd expect that you'll ask us to give you all the money he can get but you're not. He said these safety issues didn't just start on June 30 and said we want to help you to make your job easier to make everyone's job safer and have the citizens feel safer. He said he was also disappointed that he stepped out during the workshop when your men were here. He said we want to give you money for what you need and said we need a plan for this. Chief Wylam agreed, Edward said this is why we have reserves and if we want to add a position, we can do this but if we need more than that we need to need to look deeper.

- a. **Mayor Nelson then** asked for a motion to approve and Set the Proposed Fiscal Year 2022-23 Millage Rate.
- b. Motion by **Commissioner Bankson to keep the proposed millage rate at 4.1876**, and seconded by **Commissioner Velazquez** to Approve and Set the Proposed Fiscal Year 2022-23 Millage Rate.
- c. **Mayor Nelson** then read the Truth in Millage script as follows: In accordance with the Truth and Millage (TRIM) requirements, the City must set the proposed millage rate and advise the Property Appraiser of the proposed millage rate; rollback rate; date; time and place of Tentative Budget Hearing. He said the Proposed Millage Rate is 4.1876, which represents a 12.87% increase over the roll back millage rate of 3.7100. He said the Tentative Budget Hearing is scheduled for Wednesday, September 7, 2022 at 5:15 p.m. in the Council Chambers. He said the Final Budget

Hearing is scheduled for Wednesday, September 14, 2022 at 6:00 p.m. in Council Chambers.

- d. Motion by **Commissioner Bankson**, and seconded by **Commissioner Smith** to Approve and Set the Proposed Fiscal Year 2022-23 Millage Rate. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

1. Approve allocation of \$250,000 from Coronavirus Relief Funds to Sheeler Oaks Drainage Improvement Project.

Presented by: Richard Earp

Richard Earp, City Engineer, said this is a request to approve the allocation of \$250,000 of the Coronavirus Relief Funds for improvements to the Sheeler Oaks Drainage Project. He said most of you are familiar with the Sheeler Oaks subdivision and said he'll be presenting a short presentation with a brief history of the subdivision and will describe some of the high intensity short duration rainfall events that have caused temporary roadway flooding in recent years as well as twice this Summer. He stated that that this improvement project will redirect flows that exceed the capacity of the drainage system near the intersection of Sheeler Oaks Drive at Saddleback Ridge more directly into Lake Hammer and away from the intersection of Saddleback Ridge. He provided his presentation and described the recommended improvements.

Commissioner Velazquez said she's happy that we're doing this for those residents and hopes that this will help to relieve this.

Commissioner Smith said he's glad you explained this and said when he received your emails, he went to the site to watch the rain gage to see if it was reaching the 70' gage and said this makes more sense.

Mayor Nelson said by adding all of the extra inlets, the pipes underground are filling up so fast and are backing up. He said he went by the morning after a heavy rain and the manhole cover, which weighs 50-70 lbs., was popped up, meaning it was so full that the water had pushed the lid off. He said we know this will make an impact but not sure if it'll be 100% effective.

Commissioner Nesta asked if it would be beneficial to do an additional study specifically with water projections. He said this will help in some capacity for sure but will this be enough.

Mr. Earp stated in principal, an Engineering Study is the best approach but said practically, and after further investigation and seeing the manhole lid popped, we believe at this time, spending \$80,000 to \$100,000 on a detailed engineering study we feel confident that redirecting the flow into the lake will be the best approach.

Esmerelda Walker, 1952 Larkwood Drive, Apopka, said she doesn't live in the flood-zone area and clarified that she didn't live by Lake Hammer and inquired as to how the water will be redirected.

- d. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he asked for a Motion to approve the allocation of \$250,000 from Coronavirus Relief Funds to Sheeler Oaks Drainage Improvement Project.
 - e. Motion by **Commissioner Smith** and seconded by **Commissioner Bankson** to approve the allocation of \$250,000 from Coronavirus Relief Funds to Sheeler Oaks Drainage Improvement Project.
2. Authorize the Mayor to execute the Memorandum of Understanding between the Orange Audubon Society, Inc. and the City of Apopka.
Presented by: Radley Williams

Radley Williams, Recreation Director, said he's here tonight to ask for approval to execute a memorandum of understanding with the Orange Audubon Society for development the Hickerson Property into the Apopka Birding park. He said on October 23rd, 2018, the St. Johns River Water Management District conveyed the Hickerson Property to the City of Apopka for use as a location for nature-based recreational and educational opportunities. He said to help fulfill the recreational and programming needs required to develop these new opportunities, staff have been in discussions with the Orange Audubon Society, Inc., with the goal of establishing a partnership to develop the property into the "Apopka Birding Park." The attached Memorandum of Understanding, which includes the scope of fulfillment for the partnership, has been developed and reviewed by staff, the City Attorney, and the Orange Audubon Society, Inc. Property enhancements such as a restroom facility and a new entrance gate are currently budgeted in this fiscal year.

Mr. Williams said Deborah Green, the President of the Orange Audubon Society is here with us tonight and will provide a few words in support.

Deborah Green, Orange Audubon Society, P.O. Box 941142, Maitland, FL 32751, thanked the Mayor and said this will be a great partnership. She said this 70 acre property is perfect for a birding park because of its location at the start of the Apopka Wildlife Drive and because of its upland habitat, whereas most of the rest of the North Shore is wetlands. She said upland habitat is good for Sparrows and other birds that are desirable for birders. She said Orange Audubon Society is a 55 year old Chapter of National Audubon, and is the 3rd largest in the Southeast. She said we've been preparing for this moment by growing native plants and making the contacts to hire the most appropriate contractors to help us accomplish this. She said we've received grants and have earned and saved the money to pay for managing a good portion of the property. She said having a nature center on the Lake Apopka North Shore, has been a goal for 20 years. She thanked the Mayor, Commissioners, Radley and the Attorney for supporting this partnership.

Mayor Nelson said this will be a great partnership and said we're looking forward to this with Camp Wewa and Magnolia Park improvements and said we have the ribbon cutting on Friday.

- a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he asked for a Motion to Authorize the Mayor to execute the Memorandum of Understanding between the Orange Audubon Society, Inc. and the City of Apopka.
 - b. Motion by **Commissioner Velazquez** and seconded by **Commissioner Nesta** to authorize the Mayor to execute the Memorandum of Understanding between the Orange Audubon Society, Inc. and the City of Apopka.
3. Approval of Soccer Sport Complex Facility Agreement and Land Lease between the City of Apopka and GBeyes, LLC.
Presented by Michael A. Rodriguez

a. *THIS ITEM WAS PULLED FROM THE AGENDA DURING AGENDA REVIEW.*

4. Florida League of Cities Proposed Resolutions
Presented by: Mayor Nelson

Mayor Nelson said you have all four of the resolutions in your packet and asked Commissioner Velazquez to go over them.

Commissioner Velazquez provided a summary of the resolutions that will be up for consideration at the FLC Annual Conference later this month. She provided a summary of the four proposed resolutions and said she'll be representing the City of Apopka as one of the delegates. She thanked the Commissioner's for allowing her to represent the City of Apopka, although she said she volunteered to represent.

- a. **Mayor Nelson** asked for a Motion to approve the proposed resolutions for the Florida League of Cities annual conference.
- b. Motion by **Commissioner Nesta** and seconded by **Commissioner Bankson** to approve the proposed resolutions for the Florida League of Cities annual conference.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2938 – Second Reading – Zoning Amendment – The Ridge Planned Development
Owners: Troy S. Bronson Family LP, Bronson Troy S Life Estate, Apopka Centerline Development, LLC, Ks Apopka Centerline Development, LLC, DRP FL, LLC, Ag Ehc Ii (Len) Multistate 1, LLC, And Ridge 429 Owner, LLC
Applicant: VHB c/o Erika Hughes
Location: North and south of Boy Scout Road, west SR 451, north of SR 414 and west of SR 429

Project: 407.8 acres Project Manager: Jean Sanchez

- 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. 2938.
 - c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to adopt Ordinance No. 2938.
2. Ordinance No. 2944 – Second Reading - Annexation – 2309 Ocoee Apopka Road
Owner: Ronnie B. Phillips and Wanda R. Phillips
Applicant: Jonathan P. Huels
Location: 2309 Ocoee Apopka Road
Project: 5.7 +/- 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. 2944.
 - c. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2944.
3. Ordinance No. 2947 – Second Reading - Annexation – Kelly Park Self Storage
Owner: Kelly Park Self Storage, LLC.
Applicant: American Civil Engineering Co. c/o John Herbert, P.E.
Location: 3612 West Kelly Park Road
Project: 4.98 +/- 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. 2947.
 - c. Motion by **Commissioner Smith** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2947.
4. Ordinance No. 2949 - Second Reading - Approve the change in the city ordinance to allow city council to adopt sanitation fees by resolution rather than by an ordinance change.
Presented by: Michael Rodriguez
 - a. **Mayor Nelson** asked if there were any changes since the first reading to which, Michael Rodriguez 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. 2949.
 - c. Motion by **Commissioner Bankson** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2949.
5. Ordinance No. 2948 - First Reading - Amending the Boundaries of The Ridge at Apopka Community Development District
Presented by: Michael Rodriguez

Michael Rodriguez, City Attorney, said the item before you is an ordinance to amend the boundaries of the CDD for the Ridge. He said this item is related to the rezoning and amendment to the PD that you just approved at second reading. He said this is related to the Community Development District that you previously approved for The Ridge and is similar to what they did with their PD, applying to the CDD to establish the jurisdiction of the CDD. He said those are the only changes and have been requested by the developers.

- a. **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 approve Ordinance No. 2948 at first reading and hold over for second reading and adoption.
 - b. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve Ordinance No. 2948 at first reading and hold over for second reading and adoption
6. Resolution 2022-30 - Approve a Landscape and Maintenance Memorandum of Agreement with the Florida Department of Transportation
Presented by: Pam Richmond

Pam Richmond, Transportation Planner, said we've been trying to get up-lighting in the medians on either side of Park Avenue to show off our beautiful Medjool Palms. She said she's been trying for 2 months to get a permit from DOT for this when they finally advised that they don't require a permit for this, rather, they need an agreement. She said this resolution is a request to approve the Mayor to execute the agreement.

Edward Bass asked if we need to do an agreement every time we add new trees to which Pam stated yes.

- a. **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 approve Resolution No. 2022-30.
 - b. Motion by **Commissioner Smith** and seconded by **Commissioner Bankson** to approve Resolution No. 2022-30.
7. Resolution No. 2022-31 - Adoption of rates for Sanitation Division

Presented by: Josh Robinson

Josh Robinson, Solid Waste Operations Manager, said this is establishing the current rates by resolution, which you just approved and said we'll be back at the end of September to ask for the increase. He said there are no rate changes at this time.

- a. **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 approve Resolution No. 2022-31.
- b. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to approve Resolution No. 2022-31.

CITY COUNCIL REPORTS

Commissioner Velazquez said this has been a busy week for us with the Workshops and said it's always enlightening. She said it's been challenging but she feels we've done a good job and is satisfied. She said we were all dealing with the tragedy differently and said she wanted to let the Fire Department know that they continue to be in her prayers and she hopes that we're doing the right thing by them. She welcomed Edward back and said he's been missed.

Commissioner Bankson said he echoes that sentiment and said as mentioned on Monday, that was the most honorable demonstration of brotherhood and love he's ever seen and said it was very moving and he knows that took a lot of work to pull that off and said thank you for honoring Austin in that way. He said today, we were over at Wheatley Elementary for the celebration of the school's grades coming up. He said there's a lot of history there and said Phyllis Wheatley is an amazing woman herself. He said you can't spell Wheatley without an A+ and said he's excited that the community is coming together and said the baton has been passed on now to Principal Brown.

Commissioner Smith said he too would like to express his condolences and prayers to the family of Austin Duran and said unfortunately, he was out of the State on the date of the service however, his prayers were with the family and continue to be with them. He said in addition, my prayers are with the entire Apopka Fire Department as mentioned, you're all a family and he's sure that all of you are all still grieving. He said his prayers are that you'll get through this storm in your life. He said as our Vice Mayor said, we were at Phyllis Wheatley this afternoon for the celebration and said he attended Phyllis Wheatley a few years ago and said it was a pleasure for him to witness the celebration and the outstanding job of the community and elected officials that came together in support.

Commissioner Nesta said thank you to the residents of Apopka for coming together during our time of need, while we've been going through this. He said the strength of a City and a family can definitely be seen in a hardship and said it's really impressive to see. He said congrats to the teachers and staff and principal at Phyllis Wheatley for achieving what they did.

CITY ADMINISTRATOR'S REPORT

Edward Bass said he is not 100% back but is glad to be back and thanked everyone for all of their support and patience.

Mayor Nelson said although Edward was not in the office a lot during this time but he never quit. He said he wasn't doing half of what Edward does but he was swimming in City Administrator duties and said he has a renewed appreciation of what City Administrator, **Edward Bass** does and said we couldn't do it without him.

CITY ATTORNEY'S REPORT

1. 2022 Legislative Enacted Bills Summary

Michael Rodriguez, City Attorney said this is a summary of the 2022 Florida Legislative Bill Summary. He said this summarizes the bills that affect us as a local government, the most. He said of note, he's highlighted a vetoed bill, because for reasons unknown to him, the Governor vetoed what he calls "The Mother of all Pre-Emption Bills", which was that any ordinance, passed by a local government, if it affects business profits by a certain percentage, would be subject to being sued. He said the other bill that failed was the requirement that every ordinance passed by a local government had to include an economic impact statement. He said we don't have to worry, for this session, that the legislature will continue to preempt our Home Rule Authority. He said also of note, the current pending Homestead Exemption which will cover law enforcement; veterans; teachers and said this is an additional \$50,000. He said this is something that we'll have to take into consideration as the likelihood that it will obtain the 60% affirmative pass. In addition, the legislature has determined that local governments have to actually create a zoning category as a permitted use for floating solar cells and said we may want to look at this the next time we have a glitch amendment to the LDC or as a separate amendment. He said also of note, the bill the Governor calls the "Anti-Woke" bill and said we may need to sit down with our HR Department on this one to see what impacts it may have. He said this one isn't clearly written and may have the potential of affecting certain educational issues that are raised regarding possible discrimination in the workplace. He said the legislation has empowered private citizens to bring lawsuits. He said that's a few and you have the summary of all of the bills that were passed that have a direct affect.

Commissioner Bankson said he hoped they've done the right studies on the floating cells and how that shading of the water will affect temperatures, plants, etc. He's hoping that study has been done.

MAYOR'S REPORT

1. Firefighter Austin Duran
2. Update on City's Diversity, Equity and Inclusion Committee
3. Events at the Amphitheater
4. Opportunity for an additional library
5. Harmon Road Property Offer

Mayor Nelson said as we all remember Austin Duran, he'll try to put together an editorial for the Chief to thank all of the organizations that came out in support along the way. He said, next, he wanted to update everyone on the Diversity, Equity and Inclusion Committee and said you all have a list in your packet of the folks on the committee. He said we're going to hit the ground running and said we're trying to put together a Hispanic Festival on September 17th.

Commissioner Velazquez said back when you mentioned this, she sent an email to the City Administrator stating that the Commissioners had no input on this. She said when she looks at all of the names, they all belong to the Chamber and although she respects all of the names that are on this list, she felt that everyone on the dais should have been able to recommend someone as well. **Commissioner Smith** asked if each of us could nominate a person to which Mayor Nelson said he's fine with that.

Mayor Nelson said Dirty Heads was last weekend on the 16th and said we had north of 5,000 people in attendance. He said even though Saturday Sounds was a free event, it opened people up to how great of a facility we have. He said people are looking at us a place to book and said we have the Ying-Yang Twins coming up on July 30th and said we have the Heart and Soul Music Festival with the Isley Brothers on Saturday, October 8th and Government Mule on Saturday, October 15th and said all big names. He credits the Parks and Rec crew for this. He said the Florida Jerk Festival featuring Jamaican Cuisine, Caribbean music and cultural spirit is Sunday, October 23rd. He said Apopka came together to help a lady on 13th Street to do a home makeover.

He **Mayor Nelson** said we have an opportunity for an additional library on the North side. said we had a good discussion with them and said, currently, with our ad-valorem, we're sending Orange County about \$1,900,000 for libraries and said we only have the one library here on the East side of town. He asked if we can find somewhere up toward the Northwest side of town for something additional and he said they agreed to start off with some programming and maybe partner with them until they can build a full scale library.

Mayor Nelson said next, we had another offer on Harmon Road and said this would bring us back to do we want to move the antenna or not in order to sell the 23 acres. He said you should all have the information Jim sent out on this. He asked that everyone think through this and decide if we want to leave the tower there; or whether we want to move it or build a new one on the 8 acres and sell the 23 acres. He said the offer was \$6,400,000. He said it's something to think about for discussion at the next meeting.

Commissioner Nesta asked if we have plans for those funds to which **Mayor Nelson** said they're utility funds and would need to be used for that purpose.

Commissioner Smith asked if we have a cost of how much it'll take to move the tower to which **Rob Hippler** stated that last year, we discussed this, the cost to move it would be approximately \$2.75 million and includes a new building, generator and using existing radios we have through Motorola and said it'll be 15-20% more at this point.

Mayor Nelson said at the Workshop on Monday, it was said that Squad 1 was only available 39% of the time based on 188 fires but said according to our records, there were 192 calls for service. He said according to all of our statistics, Squad 1 was available 75% of the time, and provided the back up with the various calls. He said another thing that was brought up that's factually incorrect, was that they requested an emergency meeting and there were no such emails. He said lastly, he had a great meeting with Congresswoman Demmings along with the Homeland Security Secretary, Mayorkas and said we talked about a lot of things but one was FEMA reimbursements and said it takes years before you finally get paid for debris removal and discussed how we can speed up that process. He said it was unanimous between the Mayor's that were there including Mayor Demmings and Mayor Dyer and I. He thanked them for the \$400,000 that we got from that and said this will go toward the communication system which will allow us to integrate with the other agencies throughout Central Florida.

ADJOURNMENT

There being no further business the meeting adjourned at 10:03 PM .

Bryan Nelson, Mayor

Attest: _____

Susan M. Bone, City Clerk