

CITY OF APOPKA MINUTES

Minutes of the City Council Meeting held on May 17, 2023 at 7:00 PM, in the City of Apopka Council Chambers.

Present:

- Mayor Bryan Nelson
- Commissioner Kyle Becker
- Commissioner Nick Nesta
- Commissioner Alexander Smith
- Commissioner Diane Velazquez
- City Administrator, Edward Bass (Absent)
- Interim City Administrator, Charles Vavrek
- City Attorney, Michael Rodriguez (Absent)

INVOCATION & PLEDGE OF ALLEGIANCE: Commissioner Smith provided the Invocation and led in the Pledge of Allegiance. **Fact of the Day:** On May 17, 1913, Domingo Rosillo and Augustin Parla became the first aviators to cross the straits of Florida flying from Key West to Havana. The flights by the aviators took approximately two hours and thirty minutes to complete between the US and Cuba.

APPROVAL OF MINUTES

1. Revised Council Meeting Minutes of April 5, 2023.
2. Regular Council Meeting Minutes of May 3, 2023.
 - a. **Mayor Nelson** asked if anyone had any questions about either set of minutes.
 - b. Hearing further questions or comments, he asked for a motion to approve the revised council meeting minutes for April 5, 2023 and the regular council meeting meetings for May 3, 2023.
 - c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve the revised council meeting minutes for April 5, 2023 and the regular council meeting minutes for May 3, 2023..
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

PROCLAMATION

1. Frederick C. Brummer Remembrance Proclamation
Presented by: Mayor Nelson
2. Florida Emancipation Day Proclamation
Presented by: Mayor Nelson

3. National Police Week Proclamation
Presented by: Mayor Nelson

PRESENTATION

1. Wolf Lake Middle School's Boys and Girls Basketball Teams County Championships
Presented by: Mayor Nelson

Coach Jennifer, Boys Basketball Coach, stated that they were they only undefeated team, going 10-0 for the season. She also stated that every player played in every game. Lastly, her team has an average academic GPA of 3.05.

2. Apopka Youth Council (AYC) End of Year Recap
Presented by: Dr. Shakenya Harris-Jackson and AYC Students

Dr. Shakenya Jackson, Grant Administrator (GA) stated that the Youth Council has four seniors: Sara D., Ariana G., Logan W., and Jay J. Each student a short overview of the projects that they've worked on this year, which included community events at it Land Nelson Park and a Mental Health Town Hall.

3. Mural Program for Downtown
Presented by: Jim Hitt

Jim Hitt, Community Development Director (CDD), gave a presentation on the proposed mural program for the beautification of downtown, done by **Lewis Rivera**. **Lewis Rivera** came forth and gave more insight on the mural program and asked for the councils blessing to move forward.

AGENDA REVIEW

Jim Hitt (CDD), stated that the MDP – NorthStar Logistics Center II will be tabled and bought back to council on a date certain of June 21, 2023.

PUBLIC COMMENT

Mayor Nelson read the decorum statement.

Nikki McGuire, 743 S Central Ave Apopka, FL 32703, gave a short presentation advertising Family Fun Day, hosted by Naomi Kids, on June 17, 2023. This is a free event for the community and will be held at the Kit Land Nelson Park.

Rod Love, The Landings at Rock Springs, spoke about respect and gave his opinion on civility within the City of Apopka.

Dennis New, 106 W Magnolia Street Apopka, FL 32703 spoke on leadership and laws being followed by the administration of the City of Leesburg. He also spoke on the current recall petitions, that are being signed. He went on to state that they City has many buildings that are not

up to code and informed the council that several homeowners that have building or code enforcement violations.

Albert McKimmie, 3603 Golden Gem Rd, Apopka, FL 32712 stated that businesses and residents of the City of Apopka have been directly and indirectly intimidated by Mayor Nelson. He urged the commission that the current administration must change.

Dr. O, 2629 Grassmoor Loop, Apopka, FL 32712 stated that the City does not have a sign up or a street named after the late Firefighter Austin Duran, yet. She stated that it was approved last year. She also stated that she has already designed on, she just needs a street to place it on and have the street dedicated to Mr, Duran. Next, she stated that on the city website there is no information on the commissioners and that needs to be changed immediately. Lastly, she discussed street signs and park signs that are ready to be placed.

Naret Teran, 915 Dartmouth Street, Orlando, FL 32804 discussed his concerns in the lack of actions taken when complaints and letters are sent to leadership; he expressly stated that the death of the late Firefighter Austin Duran was preventable.

Ryan Von Weller, 1105 Kensington Park Dr, Altamonte Springs, FL 32714 read State Statute 760.26 and stated that the City of Apopka has been found to be discriminating again land use decisions, based on this statute. He stated that if the permitting process for Southwick Commons continues to be delayed, injunctive relief will be sought. Depositions are already set to find out what is going on, behind the scenes, with City staff and leadership. Examples of actions, causing delays, since this lawsuit was settled include: ignoring several commissioners request to have the balcony issue brought forward on this agenda, a week's long battle of turn lanes, etc. He asked council to please provide staff the directive to approve the balcony, as presented, tonight.

Lauren Leblanc, 1960 Martina Street, Apopka, FL 32703 stated her concerns about paying your water bill online. She asked if there is a way to save payment information, so that you don't have to enter it in each time. **Mayor Nelson** suggested that she speak with staff (Blanche, FD).

Sebastian Peralta, 1719 Finley Ave, Apopka, FL 32703 stated that Tennis Galaxy contracts with the City of Apopka to use the tennis courts at the Northwest Complex. He stated that when he goes the courts are always full. He stated that he does not know the reservation process, but it doesn't seem to be managed well. He went on to state that Tennis Galaxy is a great program to have here in Apopka and he stated that need for more courts. **Mayor Nelson** stated that he does understand the need for more courts, but in the meantime, the recreation director and his team are working on the policy for court usage and reservations.

Jonathan Alonso, 830 Stonechapel Ct, Apopka, FL 32712 stated that two weeks ago he, his wife, and their team hosted their first Annual Apopcon, at Camp Wewa. Apopkcon is an event that gathers communities around pop culture, including but not limited to super heroes and film comics. He stated that they received incredible support from Radley Williams and his team in the Parks and Recreation Department.

Christine Moore, 201 S. Rosalind Ave, Orlando, FL 32801 gave a presentation/information on the CRA process and how it operates. It is a tax increment funding that was started by the legislator.

Sylvester Hall, 3091 Rolling Hills Lane, Apopka, FL 32712 stated that in the last Mayoral Election there were over 35,000 registered voters; however, only 8,000 came out to vote. He stated that that is a direct disrespect for every Veteran and man and woman who has every served our country and fought for our rights to vote.

Leroy Bell, 2308 Blue Meadow Ct, Apopka, FL 32703 expressed his frustration with comments, votes, and actions that have happened with the current administration.

Ace Woodham, 47 E Magnolia, Apopka, FL 32703 asked for a town meeting, with a mediator, to discuss the lies that the news stated that were told.

Pastor Darrell Morgan, 1853 Vick Rd, Apopka, FL 32712 stated that he has been in the City for 34-years and he wanted to give a shout out on how good he thinks the City is doing.

Michael Duran, 11504 Almo Ct, Clermont, FL 34711 requested that the City Administration relieve the Fire Chief of his duties and he requested that a new RFP be sent out.

Matthew Hutchinson, 72 E Main Street, Apopka, FL 32712 stated that he purchased the building located at 72 E Main Street and it has been an incredible year. He thanked the Police Department, stating that they have been phenomenal. He also thanked the Fire Department; he had to make a 911 call and they responded quickly with phenomenal service. He also stated that the Mayor has been very receptive, responsive, and supportive. Lastly, he thanked the Chamber and Community Development Director James Hitt.

CONSENT (Action Item)

1. Execute release of Code Enforcement Lien - 730 Monroe Avenue Apopka, FL.
2. Authorize the Police Department to submit application for a Bullet Proof Vest Partnership grant for 2023.
3. Authorize the execution of contracts/renewals for FY 2023: The Grosshans Group, PLLC.
4. Approve the Oversizing Utility Line and Partial Construction Reimbursement Agreement between the Hanover Family Builders, LLC and the City of Apopka for construction of the Water and Sewer Utility Lines along West Kelly Park Road.
5. Execute release of Claims for Property Damage at Vick Road/Lester Road Intersection Construction Site.
6. Authorize the issuance of a sole source memo for Blackburn Controls, Inc. (BCI).
7. Authorize the issuance of a sole source memo for Motorola Solutions.
8. Authorize the execution of piggyback contracts for FY 2023: SHI International Corp., Advanced Data Solutions, Fisher Scientific Company, LLC., Amazon Services, LLC., Raftelis Financial Consultants, Inc.
9. Acceptance of the City of Apopka FY2023 Budget-to-Actual Report for the Six-Months Ending March 31, 2023
10. Accept the disbursement report for March 2023.

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

Commissioner Nesta asked for an update on item number three (3), which goes into the pioneering agreement. **Pam Richmond, Transportation Coordinator (TC)**, stated that when the consent agenda is approved, this group will be able to work with the City, specifically, with come projects that she has. She stated that she is hoping to be here on June 7th with the agreement. The Grosshans Group representative stated that he did give an optimistic timeline; however, as soon as they have a draft that everyone is comfortable with, it will be presented to council. **Mayor Nelson** thanked Cliff Shepard, who allowed a smooth transition.

Commissioner Velazquez asked to discuss item number seven (7), which is asking to authorize the issuance of a sole source memo for Motorola Solutions. She asked if this includes the City Wifi ‘I Love Apopka’? **Robert Hipler, Information Technology Director (ITD)** stated that we do not do the city wifi anymore, we only have selection locations such as Northwest Recreation Center, the Northwest Recreation Complex, Billy Dean Community Center. It is not necessarily a Motorola project, it is one of their vendors that provide that for us. This wireless service provided by this contractor is how our off-network locations (i.e. fire stations 2 - 6, NW Recreation, Billy Dean Community Center and water treatment plants) get their critical voice and data communications back to our data center. The “I Love Apopka” WIFI was discontinued under Mayor Kilsheimer; there are still numerous wireless access points in place that broadcast the “I love Apopka” SSID but there is no internet transport. **Commissioner Velazquez** asked if we are still paying the vendor and **Robert Hipler** stated that Motorola is paid for the wireless network and in turns pays the contractor who maintains it. The “I love Apopka” WIFI is no longer being maintained or paid for as a service.

- b. Hearing further questions or comments, he asked for a motion to approve the ten (10) consent agenda items.
- c. **Motion by Commissioner Nesta** and seconded by **Commissioner Smith** to approve the ten (10) consent agenda items.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

1. Oaks at Monroe Waiver Request for Left Turn Lane
Presented by: Pam Richmond

Pam Richmond (TC) stated that the applicants have asked council to grant them a waiver for the required left turn lane for the project entrance on Monroe Street. There are two places on the code that speaks on side access and it is telling developers and applicants that they are required to provide safe and adequate access to their site.

Deputy Chief Jerome Miller, Apopka Police Department, stated that Monroe Ave is often used, by traffic, as an alternative route, from US 441 and ST 436 to avoid the traffic. At times, law enforcement also detours traffic down Monroe, when there is a road closure on Main Street or on State Rd 436 near the merge, at Dairy Queen. The benefits of a dedicated left turn lane, at this location, will allow traffic to flow westbound as cars are waiting to turn left. He also stated that the left turn lane was a unanimous vote by the DRC, as well. The volume of the traffic that will turn left, for the initial project may or may not warrant the installation of a dedicate left turn, but with this developed and the proposed development coming, to the left of there, if we don't do it now, when will we do it.

Pam Richmond asked that the council deny this request. **Mayor Nelson** asked what will it cost and **Pam Richmond** stated that it is \$25,000.

Commissioner Becker stated that our code does not have provisions that stay that staff can make alternate decisions, if there is waiver request, it must come before the commission. He went on to state that this happens to be under the land development code, under traffic impact analysis. He stated that a lay person, as himself, would say yes, a rebuttal presumption on the turn lane necessity unless compelling evidence would suggest, through the traffic impact analysis, that there isn't a need for it.

Commissioner Velazquez stated that she did sit down with Ms. Fischer over this project and she showed her three different maps of the left lane turn. She said that they said they were only informed of the left lane turn at the Planning and Zoning meeting on February 14th. She asked if they knew before that, that that was something required of them. **Pam Richmond** stated that a lot of attention was given to the access on State Rd 436, and expressed that it is not her responsibility to read the code to them. The are to read the code and build that into their site plan. She went on to state that they are not at construction site plan yet, they are still at an earlier phase.

Scott Baker, 315 E Robinson Street, Orlando, FL 32801, stated that he is a land use attorney and he is the representative of the property owner and applicant of the project. He stated that they are asking the council to agree that they have overcome that presumption and he handed the council the definition of a rebuttable presumption. He stated that they were not aware of having to provide a left turn lane, until the February 14th Planning meeting. He went on to state that the Supreme Court has given tests: Nexus Test, the exemption you are requiring from us (i.e., has to have a nexus to some harm that we are causing to the community). The other test is that he has to be in proportion.

After much more discussion from various parties representing the applicants, the council reiterated their concerns and questions about the left turn lane being implemented. One clarification being that when/if the left turn lane is implemented the straight through lane will would then shift through the south.

Sylvester Hall stated that this is an item that we have been on for close to an hour and there should be a simple procedure or guideline that should be followed to make decisions, so it won't take so long. He stated that we need a consultant, because it should not take this long.

Albert McKimmie echoed Sylvester Hall's comments, in regard to how long it takes to come to decisions. He stated that the law is very clear; however, staff works on opinion, instead of law.

Alex Getts stated that as a general guidance rule, it is helpful to know that data and certain guidelines will be followed, in situations such as this.

The Applicant stated that a turn lane is a widening, you do not pay just that section; normally you have to do an overlay on the entire area. She expressed that she does not think staff should be discussing the decision being based on cost, as they are not making their decision based on cost. They are making their decision based on scientific data. She stated that she will keep coming to Winn-Dixie, because while all projects are different, there is a precedent set in the City, that turn lanes are not coming in front of the council, for a waiver, as the code states.

Commissioner Becker stated that the most compelling argument heard tonight was the traffic analysis. **Commissioner Smith** asked if it is feasible for the City to also do a traffic study so that we will have something to compare to when these projects come and **Mayor Nelson** stated that it will add up our cost, but we can and sometimes we do.

- a. **Mayor Nelson** asked if anyone had any questions about this item.
- b. Hearing further questions or comments, he asked for a motion to approve the Oaks at Monroe Waiver Request for a Left Turn Lane.
- c. **Motion by Commissioner Becker** and seconded by **Commissioner Nesta** to approve the Oaks at Monroe Waiver Request for a Left Turn Lane.
- d. **Motion was denied 3-2**, with Mayor Nelson, and Commissioners Smith, & Velazquez voting nay and Commissioners Becker & Smith voting aye.

- 2. Major Development Plan - Mid-Florida South Logistics Park
Owner(s): BPG Mid Florida South 1 LLC and Central Florida Expressway Authority
Applicant(s): Dave Schmitt Engineering, Inc. c/o Dave Schmitt, P.E.
Location: Southwest corner of Peterson Road and State Road 429
Project: 71.28 acres; 0.22 Floor Area Ratio
Project Manager: Jean Sanchez

Jean Sanchez stated that The Mid-Florida South – Major Development Plan (MDP) proposes the development of an industrial center with two buildings for warehouse, distribution and other light industrial uses with trailer parking on approximately 71.28 acres. Building 1 on the northern portion of the project side will have approximately 352,268 square feet of area, while Building 2 will have 338,671 square feet in area. The applicant is proposing a total of 690,939 square feet of industrial use. While 364 parking spaces are required, the applicant is proposing a total of 727 parking spaces with 11 accessible spaces. The maximum permitted height is 45 feet. The site is heavily wooded. A tree mitigation calculation will be assessed at the end of the Construction Site Plan review and payment to the Tree Bank will be required to be paid prior to any construction activity. The landscape plan proposes the planting of Live Oak, Elm, Red Maple, Southern Magnolia, Bald Cypress, Sweetgum and Red Cedar, and Elm trees within landscaped parking islands and the perimeter of the project area. Understory and ornamental trees are also proposed to be planted throughout the site. The applicant is required to make safe and adequate access to Peterson Road that will remain private. The applicant and City Staff are also in discussion regarding transportation impact fee credits to connect Peterson Road on both sides of SR 429. The DRC recommends approval and at its May 9, 2023 meeting the Planning Commission unanimously recommended approval. The recommendation is to approve the Mid-Florida South Logistics Park– Major Development Plan

- a. **Mayor Nelson** asked if anyone had any questions about any of the items.
 - b. Hearing further questions or comments, he asked for a motion to approve the MDP- Mid-Florida South Logistics Park.
 - c. **Motion by Commissioner Nesta** and seconded by **Commissioner Smith** to approve the MDP- Mid-Florida South Logistics Park.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
3. Major Development Plan - Northstar Logistics Center II
Owner(s): CLPF Cadence Northstar Phase II, LLC c/o Todd Watson, Manager
Applicant(s): Florida Engineering Group c/o Sam J. Sebaali, P.E.
Location: 735 and 815 Johns Road
Project: 26.49 +/- acres; 240,517 square feet in area
Project Manager: Jim Hitt

Jean Sanchez stated that staff is requesting to table this item, to a date certain of June 21, 2023, based on discussion with revising the site plan, at the town hall meeting on May 2nd.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items.
- b. Hearing further questions or comments, he asked for a motion to table the MDP- Northstar Logistics Center II to a date certain of June 21, 2023.
- c. **Motion by Commissioner Velazquez** and seconded by **Commissioner Smith** to table the MDP- North Logistics Center I to a date certain of June 17, 2023.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 3002 - Second Reading - Comprehensive Plan - Small-Scale Future Land Use Amendment - 2604 Marden Road
Owner(s): Katherine Rose Rudnick Applicant(s): Katherine Rose Rudnick
Location: 2604 Marden Road
Project: 10.67 acres
Density/Intensity: 1 dwelling unit per acre maximum
Project Manager: Jean Sanchez

No changes to this item.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items.
- b. Hearing further questions or comments, he asked for a motion to adopt Ordinance No. 3002.
- c. **Motion by Commissioner Velazquez** and seconded by **Commissioner Nesta** to adopt Ordinance No. 3002.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

2. Ordinance No. 3003 - Second Reading- Change of Zoning - 2604 Marden Road
Owner(s): Katherine Rose Rudnick Applicant(s): Katherine Rose Rudnick
Location: 2604 Marden Road
Project: 10.67 acres
Project Manager: Jean Sanchez

No changes to this item.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items.
- b. Hearing further questions or comments, he asked for a motion to adopt Ordinance No. 3003.
- c. **Motion by Commissioner Smith** and seconded by **Commissioner** to adopt Ordinance No. 3003.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

3. Ordinance No. 3004 - Second Reading - Comprehensive Plan - Small-Scale Future Land Use Amendment - Plymouth Sorrento Road Residential
Owner(s): Kager Family Trust Applicant(s): KPM Franklin c/o Alex Goetz
Location: 4225 Plymouth Sorrento Road
Project: 5.56 acres
Density/Intensity: minimum 1 dwelling unit per acre; maximum 5 dwelling units per acre
Project Manager: Jean Sanchez

No changes to this item.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items.
 - b. Hearing further questions or comments, he asked for a motion to adopt Ordinance No. 3004.
 - c. **Motion by Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 3004.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
4. Ordinance No 3005 - Second Reading - Change of Zoning - Plymouth Sorrento Road Residential
Owner(s): Kager Family Trust
Applicant(s): KPM Franklin c/o Alex Goetz
Location: 4225 Plymouth Sorrento Road
Project: 5.56 acres
Project Manager: Jean Sanchez

No changes to this item.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items.
 - b. Hearing further questions or comments, he asked for a motion to adopt Ordinance No. 3005.
 - c. **Motion by Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 3005.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
5. Ordinance No. 3012 - Second Reading - Annexation - Wyld Oaks
Owner(s): Brenedette Hardy-Holt, Soloman Earl Holt, Dana L Hoffman, Carol A Hoffman, Joyce A Heck, and Francois P Breney
Applicant: Lowndes Law Firm c/o Tara Tedrow, Esq.
Location: North of Capital Reef Way, east of Golden Gem Road and west of SR 429
Tract Size: 44.73 +/- acres
Project Manager: Jean Sanchez

No changes to this item.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items.
 - b. Hearing further questions or comments, he asked for a motion to adopt Ordinance No. 3012.
 - c. **Motion by Commissioner Smith and** seconded by **Commissioner Nesta** to adopt Ordinance No. 3012.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
6. Ordinance No. 3013 - Second Reading - Cemetery Fees

Presented by: Susan Bone

No changes to this item.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items.
- b. Hearing further questions or comments, he asked for a motion to adopt Ordinance No. 3013.
- c. **Motion by Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 3013.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

7. Resolution 2023-14: A Resolution of the City Council of the City of Apopka establishing a rate schedule for the municipal cemetery.

Presented by: Susan Bone

Susan Bone, City Clerk, stated that the baby land space prices have been adjusted and this also allows that any future rate increase to be done via resolution.

Commissioner Nesta stated that he will be transferring over \$6,600 to the cemetery account to cover the baby land rate adjustment.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items.
- b. Hearing further questions or comments, he asked for a motion to approve Resolution No. 2023-14.
- c. **Motion by Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve Resolution No. 2023-14.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

8. Resolution 2023-13 Approve Landscape Construction and Maintenance Memorandum of Agreement for the new medians on US 441

Presented by: Pam Richmond

Pam Richmond stated that this is a standard action, when doing something with DOT; we work with them to get the medians installed on US 441/Main Street. In order to do that we have to put landscaping in and in order to do that we have to assume responsibility.

Commissioner Smith asked how soon will the landscaping be installed and **Pam Richmond** stated 'any second.' They have already put the soil in and they've ordered the plants. The ribbon cutting will be on June 6th at 9:00am.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items.
- b. Hearing further questions or comments, he asked for a motion to approve Resolution No. 2023-13.
- c. **Motion by Commissioner Nesta** and seconded by **Commissioner Smith** to approve Resolution No. 2023-13.

- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Nesta stated that two of our investment accounts are at 4.7 percent and our largest investment account is at 5.3 percent. **Blanch Sherman, Finance Director (FD)**, stated that Synovus just offered that, I went from 4.7 to 4.95, then they are going to 5.2 percent. **Commissioner Nesta** stated that he would like to have the two lower accounts moved to a Synovus account. He made a motion to move all invest funds into a Synovus account, until we have an investment advisor tell us otherwise. **FD Blanch Sherman** asked that he keep in mind that us invest policy indicates that we diversify by institution, as well. **Commissioner Smith** stated that he does not think that is a good idea and **Mayor Nelson** stated that he thinks we should go to the other two banks and ask them to match Synovus.

He went on to state that at the last meeting the agreement was to bring the Southwick Commons items back tonight, but following a lot of breakdown in communication there was decision to not bring it back. He asked to discuss and stated that he would like to be done with this tonight. **Jim Hitt (CDD)** stated that at the DRC on May 10th we did have a roll call vote; however, the recoding got cut off, so we took another vote this morning.

Commissioner Nesta stated that it goes back to the question of who can make the decision on this and how do we stop delaying it. **Commissioner Velazquez** stated that this is another reason an attorney needs to be present. She went on to state that it has been said publicly that this council chased away the last two attorneys; however, she obtained a copy of Mr. Joseph Byrd's resignation letter and he did not resign based on any account of the council that was in place, at that time. It was a personal matter, for his resignation. **Mayor Nelson** asked which letter is that and **Commissioner Velazquez** stated that it is the letter from April 14, 2020 and Mayor Nelson stated that he has a letter from 2023 that does not state those same sentiments.

Commissioner Nesta chimed in and asked, in regards to Southwick Commons, at the next meeting the council's word will be final and it will not go back to DRC and **Mayor Nelson** confirmed.

Commissioner Velazquez requested a copy of Mr. Byrd's letter from 2023 and **Mayor Nelson** acknowledged her request. **Commissioner Velazquez** asked how do they decide if they are going to seek outside council or hire an in-house attorney and **Mayor Nelson** stated that it can go on as a business item, at the next council meeting. **Commissioner Velazquez** went on to state that in the meantime they will be operating without an attorney and **Mayor Nelson** stated yes.

Commissioner Becker stated that the driving force as to why Mr. Byrd and Mr. Rodriguez are no longer with the City of Apopka is unimportant. Naturally, if there is a vacancy in a budgeted position (i.e., City Attorney), the head of the said organization would work with HR, post the position, interview candidate, and bring it back to council and ratify it, per the

charter. In the interim, we should be able to contract an attorney to sit in the meetings. **Mayor Nelson** stated that we have only had two applicants and one has been interviewed.

Commissioner Smith stated that he wants to make sure that we are directing staff to have Southwick Commons on the next agenda. He also stated that the Lake Apopka Natural Gas District received a \$3.1 million dollar grant to replace and repair gas lines and to by equipment, necessary for safety. That grant is for three years and will be up for resubmittal in June; it is a five-year cycle, so they are apply for all five years. There were only two municipalities in the State of Florida that received this grant and Lake Apopka Natural Gas as one. Next, he stated that on yesterday he was at the ribbon cutting at the Advent Health Infusion Center, which is a great plus for the community and will be open for business next week. Lastly, on May 20th we will have Emancipation Day and the Billy Dean Community Center/Alonzo Williams Park from 1:00pm – 6:00pm; it is a free event for the family.

Commissioner Becker stated that circling back on what was discussed on the lane variance; with the way the code is written, it does not give any kind of grey area around staff interpretation, so either staff needs to work to redefine how that's laid out. As a council, we should assume that for every development we are having to do a waiver or not, is how the code currently reads. **Mayor Nelson** stated that he agrees that we have to be more objective.

Commissioner Velazquez nothing further to discuss.

CITY ADMINISTRATOR'S REPORT

MAYOR'S REPORT

-Received a call from Career Source stating that the new rule from the Federal Government is that you have served too long. He stated that he has enjoyed his eleven (11) years of service at Career Source.

-The Next Up Act of Transportation Network Studies is tomorrow at the VFW at 6:00pm.

-Congratulations to the seniors of Apopka High School (graduation is May 22nd) and Wekiva High School (graduation is May 30th)

-Memorial Day service is Monday, May 29th at the Edgewood Greenwood Cemetery and the VFM will have hot dogs and hamburgers after.

-Budget Workshops dates and times will remain the same; however, Chief McKinley had a conflict so it needed to change to the following: Monday 24th will be Community Development, Economic Development, Parks and Recreation, and Administration. Tuesday, July 25th will be Information Technology and Public Safety Review, and Wednesday, July 26th will be Public Services Budget Review. All reviews begin at 5:00pm.

-There has been a great partnership with the post office, here in Apopka. Last year, with Loaves and Fishes they collected 3,900 pounds food and this year they have collected 12,103 pounds. It is a great program and we were glad to partner with them.

ADJOURNMENT

The meeting adjourned at 11:28pm.

All video recordings of City Council Meetings are always posted on the City of Apopka's YouTube page, for viewing.

Bryan Nelson, Mayor

Attest: _____
Susan M. Bone, City Clerk

Transcribed by: _____
Victoria Parks, Deputy City Clerk