

## **CITY OF APOPKA MINUTES**

Minutes of the City Council Meeting held on April 19, 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)
- City Attorney, Michael Rodriguez

**INVOCATION & PLEDGE OF ALLEGIANCE:** Commissioner Smith provided the Invocation and led in the Pledge of Allegiance. **Fact of the Day:** On April 19, 1861, the first casualties of the American Civil War occurred when a secessionist mob in Baltimore, Maryland attacked Massachusetts troops bound for Washington, D.C. In all, four soldiers and 12 rioters were killed during the skirmish.

## **APPROVAL OF MINUTES**

1. Regular Council Meeting Minutes of April 5, 2023.

- a. **Mayor Nelson** asked if there were any changes, additions or subtractions. **Commissioner Velazquez** stated that there was dialogue omitted from the minutes; on page 21, there was a dialogue between the chair and Commissioner Becker, before the motions were made.
- b. Hearing none, he asked for a motion to approve the set of minutes. **Commissioner Becker** asked that the minutes be tabled to the next meeting, to reflect the changes. He also asked what's the interpretation of staff and the administration, as to why the action of terminating the City Attorney was not respected. **Mayor Nelson** stated that it's the will of the Council and the Mayor, not as a Council 3-2 vote. Commissioner Becker stated that he thought that the Charter was interpreted with that ability afforded to the City Council and the Mayor being part of the City Council. He went on to ask Council get a declaratory judgement and they all come back with an attorney that they would like to represent the majority in that, in the last meeting. He stated that if the administration is not going to interpret it the same as the majority; **Commissioner Becker moved that the Council challenge the opinion of the Chair and the City Attorney and seek declaratory judgement from a third a party, if that is the will of the Council.** He would like the Council to come back, to the next meeting, with a list of attorneys' who they believe will defend them, in that position. **Commissioner Velazquez** stated that she feels the vote was 3-2 and it was not ceremonial; she has not found anything in our Charter or in the Florida State Statute that says that an official vote taken at an official public council meeting can be

arbitrarily determined as ceremonial. With that, **Commissioner Velazquez seconded the motion.**

- c. Motion carried 4-1**, with Commissioners Becker, Nesta, Smith, & Velazquez voting aye and Mayor Nelson voting nay.

**Mayor Nelson read a pre-meeting statement:** Welcome to tonight's public meeting of the City Council City of Apopka, at this time, we request that all cell phones are either turned off or placed in silent mode. It is the desire of this Council to run an efficient and constructive public meeting, if you wish to address the City Council, please make sure you fill out a card and present it to the City Clerk. If you have requested to speak, when your name is called please proceed to the podium and speak clearly in to the microphone stating your name, address, organization (if any), and whether you are a city resident. Direct your comments to the City Council, as a body. The purpose of this public comment portion of the meeting is to receive citizen input pertaining to matters of which the City Council has jurisdiction or control. This period is for comments and not for questions directed to the City Council or staff for immediate answer. Questions directed to the City Council made be referred to staff to be answered within a reasonable period, following the date of the meeting. Please observe general rules of decorum and civility, speak one at a time, voiding personal attacks, void shouting, speak only to the issue at hand. The City Council and City staff encourage constructive criticism; with that, all person attacks directed toward City Council or its individual members, City staff, citizens of the City and members if the audience are prohibited. Any violation of these provisions may result in the issuance of a verbal warning, if the offending behavior continues after the warning the speaking may be asked to conclude their comments or presentation. Continuation thereafter may result in the removal of such person from the City Council Chambers. The City Council kindly asks for your cooperation in conducting a civil and efficient public meeting.

## **PROCLAMATION**

1. Denim Day Proclamation presented to the Victim Service Center of Central Florida  
Presented by: Mayor Nelson

**Lui Damiani, Executive Director of the Victim Service Center of Central Florida**, stated that last year they served 326 sexual assault victims, they took 2,100 helpline calls, they conducted over 3,188 therapy sessions, and helped 6,700 clients in and around Central Florida. All services were provided 100% free of charge.

## **PRESENTATION**

1. City Cemetery Update - Pricing, Cleanup & Rules  
Presented by: Radley Williams

**Radley Williams, Parks and Recreation Director**, gave a brief update on the Edgewood/Greenwood Cemetery projects. The re-pavement of the driveways was completed, the fencing around the new sections was installed, and they are in the process of procuring two new columbariums. At the next council meeting they will be presenting new proposed fees and rules and regulations. Once the rules and regulations and approved

and updated, they are looking to begin the cleanup project on June 1, 2023. The City Clerk's Office will be noticing on the website, in the newsletter, and posting signs at the individual plots, as we go through the cleanup process. We will go one section, at a time.

*A copy of this presentation is available, in the City Clerk's Office, upon request.*

**Commissioner Nesta** stated that he would be interested in exploring, not charging for the children or baby spaces. He went on and asked if anything will be grandfathered in or will everything be removed and subjected to the new rules and regulations and **Radley Williams** stated that everything will be removed. Everyone will be given a notice, then we will move to cleanup. **Commissioner Smith** stated that that was his concern, as well; the removal of the items. He also asked for an explanation of the 'noticing.' **Susan Bone, City Clerk**, stated that we can send letters to people that have larger items, to give them more time. Everyone will have a certain amount of time to collect their items, so that they can do it themselves.

**Commissioner Becker** stated that about two-three years ago a resident reached out to him, they were doing various tours of cemeteries and they came across Bay Ridge Cemetery; it is in a state of dis-repair. He finally connected with the person who oversees that property and she is not in a state where she can do it. It is privately owned and she does not have the ability to do it. She has had any conversations with her and she is more than welcome to annex that piece of property into the City and turn over ownership of that property, if we can somehow find a way to maintain it. The property is about 2.5 acres. He asked Radley to do an estimate of what it would entail to take over that property and put it on a maintenance schedule.

**Commissioner Velazquez** asked for more insight on the two new sections, that recently opened. **Radley Williams** stated that many of the plots have sold, but there is still a lot of capacity in the cemetery, with more to come. **Commissioner Velazquez** stated that the re-pavement of the roads has been the biggest plus, for the cemetery. She went on to state that he has a wonderful staff; very caring and respectful. **Susan Bone** stated that the capacity for Edgewood 3 was 880, Greenwood 7 it was about 425, and the third has been platted, but not ready to sell yet, due to some tree removals that had to take place. Now it will need to be re-surveyed.

**Commissioner Nesta** asked where does the funds that come from the purchase of the lots go and if we are investing them. **Mayor Nelson** stated that he set up a perpetual fund. **Radley Williams** stated that it is 20% of the sale price. **Mayor Nelson** stated that the goal is, when it is full, there will be enough funds in the perpetual fund to maintain the cemetery.

2. Downtown Apopka Vision Plan - UCF's Urban and Regional Planning Master's Program Capstone Project  
Presented by: Logan Lamphere and Carter Gresham

**Pam Richmond, Transportation Coordinator**, stated that this is not an action item, this is not a City project, and it was never intended to be; this is a learning experience, for this group.

**Logan Lamphere** stated that he is representing 16 of graduate students from the University of Central Florida's Master's of Urban and Regional Planning Program. They began work with the City last August. Their focus has been on the downtown portion of Apopka; they did an asset inventory, analyzed current data, and they looked at five study areas: land use, demographics, infrastructure, market analysis, and Urban form. From that they put together some short- and long-term proposals. They sent out community surveys, held community events, and a community workshop, to get community feedback on their projects/proposals. They came up with five proposals:

- a. A marketing/branding campaign of Main Street
- b. Re-designing US 441
- c. Applying the 'Complete Streets' principals to the other downtown streets
- d. Proposing a pocket-park system
- e. Developing a housing development tool kit.

*A copy of this presentation is available, in the City Clerk's Office, upon request.*

**Commissioner Velazquez** stated that she truly enjoyed the public input and she thinks this was a great presentation.

**Commissioner Becker** stated that he agrees with Commissioner Velazquez; it is always good to talk about the art of the possible. He stated that the one that hit him hard and seems very possible is the pocket-park. He said that the building presented is a City owned property and the current tenant would benefit from that proposal. He stated that he would love for the students to work with staff and come up with a price point of what it would be to get that done. **Ashley Morsette** stated that she and her teammate designed the pocket parks and a rough estimate would be between \$13,000 - \$15,000 but numbers will be included in the packet that they will receive, of the finished project. That number includes everything seen in the presentation today, for the pocket-parks.

**Commissioner Smith** stated that he also likes the idea of the pocket parks and he feels that it would be great for the students to be able to come back and see their work.

**Commissioner Nesta** encouraged the students to apply for jobs in the City's Community Development Department. He also stated that the Planning Commission would probably love to see this presentation as well. He truly liked the Martin's Pond, the pathway around it would be very cool to do, once it starts to get built up.

**Mayor Nelson** stated that the number of hours that they've put in on this is amazing.

## **AGENDA REVIEW**

**Michael Rodriguez, City Attorney**, stated that there is a typo on item two of the consent agenda; it should state to approve the Kelly Park - School Concurrency Mitigation Agreement. It is just a typo on the agenda, all materials in the packet are correct.

## **PUBLIC COMMENT**

**Albert Mckimmie, of 3603 Golden Gem Road, Apopka, FL 32712** expressed his disappointment with the City Charter, the Mayor, the City Attorney, and the fire Chief. He requested that the City do a workshop on Charter review.

**Dennis New, of 105 W. Magnolia Street Apopka, FL 32703**, stated that he is representing a non-partisan group named Apopka Citizens for Honest Government, Inc. It has been established and filed with the City, State, and IRS. He stated his concern with only certain issues being addressed by the Mayor. He stated that stating tonight the recall process will begin.

**Kelley Butcher, of 761 Plymouth Sorrento Rd, Apopka, FL 32712** expressed her anger with an email exchange between herself, Mayor Nelson, Michael Rodriguez, and Commissioner Nesta. She demanded an apology from Mayor Nelson.

**Michael Duran, of 11504 Almo Ct Clermont, FL 34711** played small news clippings and urged the Council to cancel the RFP for the change manager contract, with the Fire Department.

**Ace Woodham, of 42 E Magnolia Street, Apopka, FL 32703** expressed his disappointment in the Mayor and the Fire Chief.

**Naret Teran, of 915 Dartmouth Street, Orlando, FL 32804** expressed his anger and disappointment in the current Public Services Director and the lack of regard for the City Policy Handbook/Manual.

**Rev Alex Robinson, of 1997 Meadow Crest Drive, Apopka, FL 32712** thanked the Mayor for doing a fantastic job and for doing the sidewalk, on Rogers Rd.

**Megan Garcia, 1011 Galway Blvd, Apopka, FL 32703** expressed her concerns with Bob Spencer and his company and involvement with the City of Apopka and how he was hired/contracted.

**Russ Beymer for Pam Welker, of 1906 Donahue Drive, Ocoee, FL 34761** stated that he is the Executive Director for Homemade Orlando, which is a non-profit that works in service to other non-profits. Their goal is to end homelessness. He would like to bring a resource center to Apopka, that would unite all the other resources, in the community.

**Christopher Rodriguez, of 2729 Maitland Crossing Way #1107, Orlando, FL 32810** expressed his concerns with and dislike of the current RFP out, for the Fire Department.

**CONSENT (Action Item)**

1. Execute release of Code Enforcement Lien - 57 East Michael Gladden Boulevard
2. Approve the Kelly Park - School Concurrency Mitigation Agreement and authorize the Mayor to sign the Agreement.
3. Authorize City Administrator to execute renewal of Recreational Program Agreement with Apopka Little League.
4. Execute the First Amendment to Revocable License Agreement - Co-Packing USE, LLC (d/b/a Propagate Social House)
5. Execute the Revocable License Agreement, Rotary Club of Apopka – sign
6. Authorize the Police Department to make a donation to Re-Imagine Communities Apopka Area Student Awards Ceremony from the State Law Enforcement Trust Fund.
7. Acceptance of the City of Apopka FY2023 Budget-to-Actual Report, For the Six-Month Period Ending March 31, 2023
8. Authorize the disposal of capital surplus equipment.
9. Authorize the execution of piggyback contracts for FY 2023: Haworth, Inc., Rep Services, Inc., and Temple Inc.
10. 10. Authorize the issuance of evaluated and sole source memos: Fire Dex DBA Gear Wash and Lowe's.
11. 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 to pull item number seven, stating that he needs more time.

**Commissioner Becker** asked to pull item number ten, stating that the on the evaluated source, there was no backup material to indicate why they would be considered evaluated sources. Lowes just says basic supplies; if it is just normal supplies, why would Lowes be considered an evaluated source.

**Blanch Sherman, Finance Director**, stated that items nine and ten were approved as evaluated sources, by the City Administrator, under the 50K. They are no exceeding the 50K and that requires the Council authority. She stated that Fire Deck are supplies that are used by the Fire Department; they need to go up to 60K. That would be the last use of those because we did bring before you, last council meeting, another vendor: PPE, which will be used going forward. This is the last use of Fire Deck and they are the only ones that can provide that service. Commissioner Becker agreed that it is okay to move forward with Fire Deck, but he would need more information on Lowe's.

- b. Hearing no questions or comments, he asked for a motion to approve items 1-6, 8,9, 10 except for Lowe's, and 11 on Consent.

- c. **Motion by Commissioner Nesta** and seconded by **Commissioner Becker** to approve items 1-6, 8,9, 10 except for Lowe's, and 11 on Consent
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

### **BUSINESS (Action Item)**

- 1. Authorize the appointment of Eric Mock to the Planning Commission for a three-year term.

Presented by: Jim Hitt

**Jim Hitt, Community Development Director**, stated that they have a recent vacancy on the Planning Commissioner Board, and received an application from Eric Mock who is one of the City's local realtors. Eric Mock is also a Chamber of Commerce Member and on the Elder Affairs Committee, he is involved in the City/community.

- a. **Mayor Nelson** asked if there are any questions or comments from the public or council.

**Commissioner Velazquez** stated that Mr. Mock is an outstanding resident and she asked if there were other residents who submitted for that spot and **Jim Hitt** stated that he knows of one other person, but they are not as involved with the City and community as Mr. Mock is. **Commissioner Velazquez** stated that there is one member on the P&Z that they wanted to check on their attendance and **Jim Hitt** stated that he will get that information for her.

**Commissioner Nesta** stated that he appreciates the map, which is helpful but it is not within the code. However, what is in the Code is to have someone on the board within the real estate industry, which we have not had anyone on that commission, for as long as he has been attending the meetings.

- b. Hearing no additional questions or comments, he asked for a motion to authorize the appointment of Eric Mock to the Planning Commission for a three-year term.
- c. **Motion by Commissioner Smith** and seconded by **Commissioner Velazquez** authorize the appointment of Eric Mock to the Planning Commission for a three-year term.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

**Eric Mock** thanked the Mayor and Commissioners for giving him the opportunity to serve the community and the citizens of Apopka.

### **PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)**

- 1. Ordinance No. 2998 - Second Reading - Comprehensive Plan - Small-Scale Future Land Use Amendment - CFX Property  
Owner(s): Central Florida Expressway Authority

Applicant(s): Central Florida Expressway Authority  
Location: Southwest corner of Peterson Road and SR 429  
Project: 6.0 +/- acres  
Density/Intensity: 0.60 Floor Area Ratio Maximum  
Project Manager: Jean Sanchez

**Jim Hitt** stated that there are no changes to this item.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.
- b. Hearing no additional questions or comments, he asked for a motion to approve Ordinance No. 2998.
- c. **Motion by Commissioner Nesta** and seconded by **Commissioner Smith** to approve Ordinance No. 2998.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye

2. Ordinance No. 2999 - Second Reading - Change of Zoning - CFX

Property Owner(s): Central Florida Expressway Authority  
Applicant(s): Central Florida Expressway Authority  
Location: Southwest corner of Peterson Road and SR 429  
Project: 6.0 acres  
Project Manager: Jean Sanchez

Jim Hitt stated no changes to this item.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.
- b. Hearing no additional questions or comments, he asked for a motion to approve the nine (9) items on Consent.
- c. **Motion by Commissioner Velazquez** and seconded by **Commissioner Nesta** to approve the nine (9) items on Consent.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye

3. Ordinance No. 3001 First Reading- Road Impact Fee Ordinance

Presented by: Pam Richmond

**Pam Richmond, Transportation Coordinator**, asked the council to allow them to update the City Impact Fees. The City established impacts in 1991 and the first update was conducted in 2006. The City's current population is about 56,000 and the City's jurisdictional boundary has gone from 24 square miles, in 2004 to about 35 square miles now. Given the continuing growth and the significant need to infrastructure update, it is now time for an impact fee update.

*A copy of the data presented is available upon request, in the City Clerk's Office.*



**Commissioner Nesta** asked if we are limited to eight permits per day and **Pam Richmond** stated that is a rule that was established in the Building Department. **Jim Hitt** stated that because we have multiple developments going on, the Building Department has limited the number of single-family permits, in at a time, from each of the sub-divisions to ten at a time. It usually takes about two-three weeks to get those out, sometimes a little longer depending on how many they bring in. Once they pick up ten, they can drop off ten the same day. **Commissioner Nesta** stated that he did get some calls from a few builders and they brought up the opportunity to pay for extra staffing. They would rather meet the current impact fees and pay for extra staffing to help get permits through. **Pam Richmond** stated that the Building Department is the only department within the City that is fully staffed; meaning every position is filled.

**Commissioners Smith** and Velazquez stated that they both support the increase of the Impact Fees.

**Pam Richmond** reiterated that impact fees can only be used on capacity projects (i.e. road widening, making intersection improvements, turn lanes, signals, build new sidewalks, etc.)

- a. **Mayor Nelson** asked if anyone had any questions about any of the item.

**Albert Mckimmie, 3603 Golden Gem Rd, Apopka, FL 32712** stated that it appears that just be widening the roads it can be considered as rehabilitated.

**Dennis New, 105 W Magnolia Street, Apopka, FL 32703** asked if it is because of working conditions or pay that the departments are not fully staffed.

- b. Hearing no additional questions or comments, he asked for a motion to accept the first reading of Ordinance 3001 at first reading and hold it over for second reading and adoption.
- c. **Motion by Commissioner Smith** and seconded by **Commissioner Nesta** to accept the first reading of Ordinance 3001 at first reading and hold it over for second reading and adoption.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye

4. Resolution Number 2023 - 11, Amending the budget for fiscal year beginning October 1, 2022 and ending September 30, 2023.

Presented by: Blanche Sherman

**Blanche Sherman, Finance Director**, stated that this amendment is number 12 and it is related to the Economic Development Department. This budget amendment incorporates the funding, in the amount of \$200,000 into that department.

- a. **Mayor Nelson** asked if anyone had any questions about any of the item.

**Commissioner Smith** asked about the \$400,000 that is at the bottom of the amendment and **Blanch Sherman** stated that it is \$200,000. The \$400,000 includes the transfer of the funds from the grant fund to the general fund. In every amendment where we are transferring funds, you will see that double.

Commissioner Nesta asked her to walk them through the credits to debits process.

**Blanche Sherman** stated that the funding will be coming out of fund 150 in the amount of \$200,000 and transferred into the general fund, in the amount of \$200,000, under department number 4022 and the breakdown is as follows:

- a) \$140,00 for salary, wages, and fringe
- b) \$30,000 for other contractual services
- c) \$10,000 for travel and per diem
- d) \$20,000 for operating supplies.

**Commissioner Becker** asked for the status of the job posting and applicants.

**Joe Patton, HR Director**, stated that there was one enteral applicant and eleven external applicants. He just finished reviewing them today and he will bring them to the Mayor for review on tomorrow.

- b. Hearing no additional questions or comments, he asked for a motion to approve Resolution 2023-11.
- c. **Motion by Commissioner Becker** and seconded by **Commissioner Nesta** to approve Resolution 2023-11.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

## CITY COUNCIL REPORTS

**Commissioner Velazquez** stated that the Apopka Women's Foliage Festival is coming the last weekend of April.

**Commissioner Becker** stated that they are still within the cone of silence for the RFP process and with the mechanics of what is going on, he does not think we have the authority to do what has been suggested, at this time; however, people that respond to the RFP will be presented to this council, at that time the council can approve or disapprove. He echoed points that it was written in a way that was highly disappointing. Next, he stated that the Mayor's comments to the news outlets about the trailer were disgusting. He stated that either the Mayor or the Fire Chief needs to take accountability.

**Commissioner Smith** thanked the Mayor, Commissioner Velazquez, and Commissioner Nesta for attending the homegoing service for his sister and for Commissioner's Becker's thoughts and prayers. It was a tough time, so it was very encouraging to see them there, in support.

**Commissioner Nesta** asked for an update for the RFP on the financial advisor, as far as a close date and when they can expect an update on where we are going with that. **Blanch**

**Sherman** stated that it is closed, they received about seven good proposers, so they are in the review process now. They are down to two, but they are running very close, she will have an update at the next Council meeting.

**CITY ATTORNEY’S REPORT** – Nothing to report

**MAYOR’S REPORT**

On Friday, him, Pam Richmond, and Jim Hitt had a very good meeting with the Orange County team speaking on renewing the CRA, talking about roads, community development issues, and communication.

Saturday, April 29<sup>th</sup> and Sunday April 30<sup>th</sup> will be the Foliage Festival – Opening Ceremony will be Saturday at 9:30am.

Thursday, May 4<sup>th</sup> – Prayer Breakfast, doors will open at 6:30am and the program will start promptly at 7:00am.

**ADJOURNMENT**

The meeting adjourned at 9:42 p.m.

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

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Bryan Nelson, Mayor

Attest: \_\_\_\_\_  
Susan M. Bone, City Clerk

Transcribed by: \_\_\_\_\_  
Victoria Parks, Deputy City Clerk