CITY OF APOPKA

Minutes of the City Council regular meeting held on May 19, 2021 at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alexander Smith
Commissioner Diane Velazquez
City Administrator Edward Bass
City Attorney Michael Rodriguez

PRESS PRESENT: Teresa Sargent – The Apopka Chief

INVOCATION - Commissioner Smith provided the invocation and led in the Pledge of Allegiance. He then cited the Proclamation recognizing May 20th as Florida Emancipation Day in the City of Apopka

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of May 5, 2021.

Mayor Nelson asked if anyone had any questions about the minutes. Hearing none, he asked for a motion to approve the meeting minutes of May 5, 2021.

MOTION by Commissioner Bankson and seconded by Commissioner Becker to approve the meeting minutes of May 5, 2021. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

AGENDA REVIEW

Edward Bass, City Administrator, stated that there is one change. Staff requests that item #10 be moved to the last item under Business. This is for the award of contract of 2021-05 for the Pavement Condition Assessment for further action.

PRESENTATION

1. State Bank of Apopka Clock Unveiling
   Presented by: Mayor Nelson

Mayor Nelson introduced Bill Arrowsmith to provide the history of the State Bank of Apopka.

Bill Arrowsmith said it's an honor for him to be here tonight to talk about this clock and said that there are not many people in here that even knows what the State Bank of Apopka was. He said when he was a 9-year-old boy, the State Bank of Apopka was right here in the Center of Town and was located where the parking lot of Bank of America is today. He said it had this beautiful clock on the building there and said everyone went by the time on the clock. He said the State Bank opened in 1912 and said during the great depression, there were about 9,000 bank failures during the depression and it was only one of only three banks in the State of Florida that didn't close. He said in 1965, they built a new building, which is the current Bank of America and they took the old clock off of the old building before they demolished it and mounted it on the East side of the building as that was the main entrance and to the drive thru lanes. He said the State Bank finally sold out to a big bank in South Florida, Century Bank and they were there for a couple years. He said they sold out to SunTrust who sold to Barnett Bank and then Nations Bank and now Bank of America. He said at that time, he took up the cause with Lynn Garrett, the bank Manager and got permission from the people in Ft. Lauderdale to let us take it down and let the City have it. He said it took about 3 years but in 2015, we took it down and put it in storage.

Mayor Nelson called upon Christian Colon to come up and tell his story. He said Christian came to the Mayor's office looking for a project and little did he know what was in store for him.

Christian Colon, Eagle Scout, said he came in thinking this would be a simple clock and it wouldn't be a problem until he realized it was a massive 6' clock. He said that after a few months, he managed to transport the clock to a location where he could work on it. He said after opening up the clock and seeing the wires frayed and the pieces that were broken and aged, he knew it would take more time. He said after a few months they were able to remove the oxidation and coat it so it doesn't oxidize further and were able to replace the internals and electrical parts and allow it to work once more. He said we then brought it to City Hall and made a stand which is where it sits now.

Mayor Nelson said the motor in the clock is the original clock motor and said the company is still in business for over 150 years. He said this was a labor of love and the family was committed to this. He invited everyone out to the lobby for the unveiling.

2. 2045 Master Plan - Central Florida Expressway Authority.
   Presented by: Will Hawthorne, Director of Engineering, CFX

   Will Hawthorne, Director of Engineering, CFX, said he's happy to be here and to present to you an update of our development of our 2045 Master Plan. He said CFX is an agency of the State, established by the Legislature in 2014 and said at that time, two major changes happened where it expanded our jurisdiction outside of Orange County and allowed us to study multi-modal opportunities. He said we're governed by a 10-member board represented by each of the Counties in our jurisdiction including Orange, Lake, Seminole, Osceola County and Brevard County. He said we also have the City of Orlando Mayor and the Orange County Mayor as well as three gubernatorial appointees. He said our system is 125 miles of blended access expressway. He said the growth has been tremendous and the Orlando Economic Partnership estimates that we're still getting 1,500 new residents each week to our region. He said we welcome your comments and ideas so please log on and take the survey and provide your feedback.

3. Kelly Park Form Base Code
   Presented by: Jim Hitt

   Jim Hitt, Community Development Director provided a short history on the Kelly Park Interchange and the Form Based Code. He said about 20-25 years ago, there was a big push to protect the property surrounding the main metropolitan development area and as a result, the Wekiva Parkway and Protection Act was enacted by the State of Florida in 2004. He said part of the requirements for that were that the local governments work together to develop a plan that had to be adopted by the State, the County and the City of Apopka. He said as a result, in 2011, we adopted the Kelly Park Interchange and later, in 2017, we adopted the Form Based Code, which included a 1-mile District going from the Kelly Park Interchange to Plymouth Sorrento to the 429, coming up from 441, just West of Downtown. He said there were quite a few requirements that we put into the Form Based Code including elements that are comparable to what Baldwin Park, Celebration & Winter Springs Town Center have. He said one of the things that were different was that we didn't have was just one property owner, rather, there are multiple property owners. He said there was one entity that was part of a DRI for the area and that was adopted in 2011 and included 1,550 DU's on 564 acres, including 93 acres of parkland, 10 million square feet of non-residential and quite a bit of light industrial. He said there was retail, medical, and hotel and said we adopted that as part of our Marcy 2019 LDC under Appendix A. He said there were originally Six Districts within that Form Based Code Area and we added one called Med-Tech for Medical and Technology, which is where Orlando Health has purchased 52 acres. He said this is the only interchange between 441 & Sanford and this is the only location that the State designated for development and the density goes from 5 DU up to 25 DU per acre if they can meet certain conditions. He pointed out the transition area and said this is the area that you can get up to 25 DU's per acre, under special conditions. He said you'll notice that it's a little foggy around the parameters and said that was done on purpose as it wasn't supposed to be an exact setting. He said you can change that within 300', per our Code. He said the whole District area is supposed to be a Mixed-Use District and said it is designated that whether it's residential or commercial or non-residential, it's meant to be spread out over the whole District, not in one area or one property. He said the area depicted in yellow is the neighborhood district and said that that can only go up to 5 DU's per acre and is only residential but can be a mix of townhomes and larger lots. He showed where the Publix is and said there's an open area to the West of that between the Village Center and the Interchange area and said this may be apartments or office. He said one of the main requirements was to create spine roads going North & South and

East & West to help divert the traffic off of Plymouth Sorrento, Round Lake Road and Kelly Park Road. He said one of the things that we wanted to avoid was putting in what we call "Spot Zoning" which is putting a commercial unit where no commercial is or should be.

Jim said the Kelly Park Interchange – Form Based Code purpose and intent is that if it's within the 1 mile radius, it does get the density bonuses that if outside that area and North of Ponkan Road, you're limited to 2 DU's per acre. He said one of the caveats for the KPI-Form Based Code is that if you have a piece of property that does cross this line, you can benefit from the 5 DU's per acre. He said they all have to be re-zoned to the mixed-use Kelly Park Interchange category and all have to have the Land Use for the mixed-use KPI and during part of the re-zoning, they have to be designated in one of the following districts. (1)Village Center – main density areas; (2) Employment areas on the SW corner are campus type settings; (3) Interchange areas are your main interchange areas and are the only places you can have a gas station; (4) Transition district is the orange district and is spread out pretty good and said we're hoping that we get this corridor built up in order to take advantage of the true mixed-use; (5) Neighborhood district is single-family homes at the lower density (5 DU's per acre). He provided an aerial of summary of the new developments that are going into this area.

Commissioner Becker said we need precision on the circle and if we say we've redrawn the line and have precision on where the borders are to eliminate the fuzziness, that needs to happen.

Jim said the fuzziness is meant so that you don't have exact locations because property lines in developments are not exact.

Commissioner Becker said we should be able to point to a parcel and determine if they're in or out of a certain color.

Mayor Nelson said that the 1-mile radius is the exact line so that if half is in and half is out, it s in. He agreed with Commissioner Becker and said the 1-mile radius needs to be firmed up so we know who's in and who's out. He said what if we looked at every property that borders Kelly Park or Plymouth Sorrento on either side of the road, be a mixed-use and said that when we get past the one lot, we could have more discretion.

Commissioner Smith said that if we say this is mixed-use and we get a proposal that's strictly one use as opposed to mixed-use, it's confusing as we don't know if there's a limitation as to how many acres they can have. He said Jim did a good job explaining this but it's not on paper.

Jim said we're working with ECFRPC to work on the Comprehensive Plan and said we should have something to bring to your review within the next month to two months. He said we're working on the language in our LDC but he's cautious of changing that if we don't know how we're going to do the map.

Commissioner Bankson said he agreed that the main arteries need to be the main focal point in going out from there. He said we have to make sure to protect the land mass as we need the houses, the shopping, the dining around the 429 and said when this becomes a major thoroughfare, we'll start seeing that. He said we also need to get rid of the fuzzy lines.

Commissioner Velazquez asked that under this language, if a developer comes in and wants to do 10 units per acre, did we have to approve that to which Jim stated that if they wanted to press that, they could but said City Council still has that discretion.

PUBLIC COMMENT PERIOD

Pat McGuffin, 289 Lake Doe Blvd., Apopka, spoke about a Community Event entitled "Parenting in a Digital Age". He said this will be held on Saturday, May 22, 2021 from 9:00 a.m. – 12:00 p.m.

Gary McSweeney, 1629 Spinfisher Drive, Apopka, stated that he was recently elected president of the HOA Association. He wanted to introduce himself to the Council and thank the Mayor for his presentation to the community on April 27th and the attendance of each commissioner.

Scott Billue, 611 Business Park Drive, Winter Garden, provided an overview of Matthew's Hope and the ministry that they do to lend a hand up.

Pamela Ripley, 1037 Mill Run Circle, Apopka, spoke in follow up to the flooding issues she's experiencing.

Rogers Beckett, 7 Main Street, Apopka, said he needed clarification on something that happened at our office condominium. He said previously, we had an irrigation meter at our site that has been disconnected for at least 3 or 4 years. He said we haven't had any water consumption but this past billing cycle, we noticed that this was increased by $120. He said he spoke with the Utility Department and they informed us that due to Section 78 of the Code, each building is being assessed an additional base cost per unit. He asked that since this meter is disconnected, are we still billed for this period.

Edward said, I'll look into it and find out what's changed and get with you on that. He said a lot of our meters have been reviewed as we have a company reviewing our meters and we found some that weren't being billed.

Commissioner Becker said that we all received an email today for public comment and our policy is that we don't read comments out loud, but they asked to have it submitted for the record.

CONSENT (Action Item)

1. Execute Release of Code Enforcement Lien - 1337 Acorn Circle, Apopka, Florida.
2. Execute Release of Code Enforcement Lien - 485 East Main Street, Apopka, Florida.
3. Approve and authorize the Mayor to execute a Revocable License Agreement between the City of Apopka and Co-Packing USA, LLC, d/b/a Propagate Social House.
4. Ratify the Appointment of Ryan Dennington as new Trustee to the Firefighters' Retirement System Board of Trustees.
5. Ratify the Reappointment of Todd Bengston as Trustee to the Firefighters' Retirement System Board of Trustees.
6. Ratify the Reappointment of Robert Goff as Trustee to the Police Officers' Retirement System Board of Trustees.
7. Authorize the Police Department to expense funds from the Federal Law Enforcement Trust Fund for repairs to the MRAP vehicle.
8. Authorize the City Administrator to execute the FDEP Land and Water Conservation Grant Agreement Fund for Alonzo Williams Park Phase II.
9. Accept the grant submission notification for the Orange County's Housing and Community Development Division (HCD) under the Community Development Block Grant (CDBG) Program.
10. Award a contract for RFQ 2021-05: Pavement Condition Assessment.
11. Authorize the execution of piggyback contracts for fiscal year 2021.
12. Accept the disbursement report for April 2021.

Mayor Nelson asked if anyone had to pull anything other than item #10 off the Consent Agenda. Hearing none, he asked for a motion to approve the Consent Agenda, minus item #10.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve the Consent Agenda, minus item #10. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

BUSINESS (Action Item)

1. Final Development Plan and Plat Approval – Hammock at Rock Springs
   Owner: S One LLC
   Applicant: Terra-Max Engineering, Inc., c/o Momtaz Barq, P.E.
   Location: Hammock at Rock Springs PD (Planned Development)
   Project: 9.59 +/- acres
   Project Manager: Phil Martinez

Phil Martinez, Planner II, said the applicant is proposing a Final Development Plan and Plat Approval for a 19 lot Single Family Subdivision, known as the Hammock at Rock Springs. He said this FDP and Plat is subject to the 1993 Land Development Code. He said the subject property consists of an estimated 9.59 acres and is located off of N. Rock Springs Road. He said the Plat is consistent with the PDP which was reviewed and approved on September 18, 2019. He said in addition, the Plat is consistent with the PD Ordinance No. 2730 and associated Master Plan.

Commissioner Smith asked about the Oak Trees at the entrance to the development and asked if those were in the power lines.

Phil said the applicant and the City will coordinate and make sure the Oak trees do not interfere with utilities.

Commissioner Velazquez asked where the open space would be to which Phil provided the locations.

Mayor Nelson asked if anyone else had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve the Final Development Plan and Plat Approval – Hammock at Rock Springs.

MOTION by Commissioner Smith, and seconded by Commissioner Becker, to approve the Final Development Plan and Plat Approval – Hammock at Rock Springs. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

2. Approve an easement agreement with Duke Energy Florida LLC to allow the relocation of utility poles on city owned property located on the northwest corner of Orange Avenue and General Electric Road. Presented by: Pam Richmond

Pam Richmond, Transportation Planner, said this item is for the approval of an easement agreement with Duke Energy. She said when the Mid-Florida Logistics Park came in, part of their responsibility was for them to do some work on Hermit Smith and add a right turn lane on General Electric Road at Orange Avenue. She said as a part of that project, we will have to use the City's parcel, which requires an easement from us as there are Duke Energy poles there that need to be moved.

Mayor Nelson asked if anyone else had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve the easement agreement with Duke Energy Florida LLC.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve the easement agreement with Duke Energy Florida LLC. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

2. Authorize the City Administrator to enter into a lease agreement with Air Methods Corporation for use of land adjacent to Fire Station #4.
   Presented by: Chief Wylam

   Chief Wylam said, last meeting we had a presentation on the proposal to relocate an air-care helicopter to our current Station #4. He said we advised that we would bring the agreement forward, which is before you tonight. He said the other thing that was asked is that we reach out to the community and the surrounding area, in the form of a community meeting to make sure we communicate our plan. He said we met with them and the response was overwhelmingly positive.

   Commissioner Becker said he noticed in the contract there was language around rules and regulations and asked what rules and regulations we would enact and whether that gives us some authority if there were any issues with sound or unruly operations, that we're able to put some more guard rails around that to which Michael Rodriguez confirmed, yes.

   Mayor Nelson asked if anyone else had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to authorize the City Administrator to enter into a lease agreement with Air Methods Corporation for use of land, adjacent to Fire Station #4.

   MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to authorize the City Administrator the enter into a lease agreement with Air Methods Corporation for use of land, adjacent to Fire Station #4.Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

4. Authorize the City Administrator to enter into an agreement with a contractor to construct the recommended drainage improvements under the emergency authorization procurement policy.
   Presented by: Richard Earp

   Richard Earp, City Engineer, provided a presentation of the Sheeler Oaks drainage improvement project. He said the subdivision was originally designed and constructed in the early 1980's. He said this was before the SJRWMD existed and before we had modern stormwater regulations exist today, and the software was nothing like it is today. He showed a slide depicting the FEMA flood plain for Lake Hammer and said that this flood plain was adopted by FEMA in 2009. He also showed the area where the Federal Government believes that if we do get the 100-year storm, that the water will rise and cover the land surface in the area shown. He said in 1995, there was significant flooding in the area and we got enough rainfall in the area so the actual elevation of the lake rose almost to the 100 -year flood plain elevation point. He said as you heard earlier, in Sheeler Oaks there was 55 homes where the water was not only in front yard but in the back yard and in Lake Hammer Estates, there was 30 homesite lots. He said the flooding that occurred here is the actual lake water rising to the point of flooding. He said as an emergency in late 95-96, the City did a study and submitted a permit to the SJRWMD that existed at that time to be able to pump the lake down to elevation 79'. That meant if it got above the 79" elevation, the City could pump the lake water into an abandoned water main that runs up Sheeler Avenue, down Cleveland Street and into a large retention area N. of the Public Services Complex. The permit does not allow us to pump the water lower than elevation 79'. He said this isn't the lake flooding the neighborhood, this is something happening with the storm water system where we get heavy rainfall and the water floods in the streets. He said late last year, we hired VHB to figure out what was happening. They did an engineering analysis on the drainage pipes including capacity and size as well as the number of the pipes. He said VHB determined that it's not the elevation of the lake, it's not number of inlets that's causing the problem but said it's the inlet capacity that is the problem. He said as mentioned earlier in Public Comment that there's a fix to the design to repair those inlets and the cost is $179,000 and said there's $250,000 earmarked in the stormwater portion of the budget for Sheeler Oaks. He said it makes sense to get the inlets in the ground as quick as we can to solve the problem.

Edward reviewed the emergency procurement process and said this allows the City Council to waive the procurement process as this is an emergency situation which has an impact on public safety. He said being as we have the budget already earmarked for this project and asked that we make it not to exceed the $250,000 that is already budgeted. He said we still need to get bids and will work as quickly as possible.

Mayor Nelson said that when we first started talking about this, he thought we should just put the pump in and questioned why we would spend money on a consultant. He said he's glad we did as we would have the pump and we'd still have the problem a year from now. He said sometimes we wonder if we need a consultant but said this is one time that it paid off. He said also, Richard Earp goes out there when the building goes on to make sure the elevation is where it's supposed to be and said by doing that, he makes sure the houses and commercial developments are at grade above the 100-year flood plain, which we get a credit, because of the work that Richard does for the City.

Esmeralda from Sheeler Oaks Subdivision asked if we're going to continue to pump the lake because we do have a permit and we're mandated to pump the lake.
Mayor Nelson said, no, we're not mandated to pump the lake, we have the option/opportunity to pump the lake. There's a big difference there.

Bruce Doyt, VHB, said the pump is there for extreme flooding events when the lake gets above 79'. He said he solution of creating more avenues for the water go get off the road and underground works for the intense summer storms that happen more frequently. The pump would be reserved for a hurricane situation when the lake is above 79'.

Mayor Nelson asked if anyone else had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to authorize the City Administrator to enter into an agreement to construct the recommended drainage improvements under the emergency authorization procurement policy up to $250,000.

MOTION by Commissioner Smith, and seconded by Commissioner Velazquez, to authorize the City Administrator to enter into an agreement to construct the recommended drainage improvements under the emergency authorization procurement policy up to $250,000. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

5. (Consent Agenda item#4)

Edward Bass said that staff has asked that Consent item #10 to be moved under business because we have a request that he would like them to make before we approve this item. He said staff is requesting that the recommendation of the award for RFQ 2021-05 for the Pavement Condition Assessment, be postponed to the next City Council Meeting of June 2, 2021. Staff is requesting that the City Council ratify an administrative decision to extend the bid protest period. He said the purchasing policy allows the City Council to waive all or specific provisions of the purchasing policy as is in the best interest of the City. He said this extension will allow for a 72-hour bid protest period to begin, Tuesday, the 18th of May and conclude by Friday, May 21st, 2021, thus permitting for the submittal and resolution of a bid protest. He said we will bring this item back to you after we've vetted this process with a recommendation of staff for this award.

Commissioner Becker asked if someone filed a grievance that's going to protest.

Edward said we think we have someone who may file. He said we had someone contact us to inquire about a protest and they were waiting for a response but didn't get one. As a bidder, they should know they have to submit a formal protest within a certain amount of time. He said because they asked for the information and didn't get it, we've decided to extend the protest period to Friday, May 21, 2021.

Michael said we had one of the unsuccessful bidders contact the purchasing department within the 72 hour window with an expectation that the Finance Dept. would return the call or communicate with them. He said while a bidder should have constructive knowledge of the rules and there's no obligation on the part of the City to provide guidance, it's in the best interest of the City, due to the communication breakdown between the bidder and the City.

Edward said that going forward, Finance will add a clause to our procurement bid packet that will include the 72-hour bid protest policy. This will also be on our website.

Mayor Nelson asked for a motion to ratify the administrative decision to extend the 72-bid protest period to the end of business on Friday, May 21, 2021 and authorize the City Administrator to render a decision under the procurement code within 5 business days.

MOTION by Commissioner Smith, and seconded by Commissioner Bankson, to ratify **the administrative decision to extend the 72-bid protest period until the end of business on Friday, May 21, 2021 and authorize the City Administrator to render a decision under the procurement code within 5 business days. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.**

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2828 – Second Reading – Change of Zoning - Clonts Farm
   From: Transitional (T)
   To: Planned Development (PD)
   Owner: Clonts Farm, Inc.
   Applicant: K Hovnanian Cambridge Homes, LLC
   Location: 810 S. Binion Road
   Project: 30.92 +/- acres
   Project Manager: Bobby Howell

   Bobby Howell, Planning Manager said that there are no changes however staff is requesting that Council make 4 motions as follows: (1) Adopt Ordinance 2828; (2) Approve the PD Master Plan/Major Development Plan; (3) Approve the Development Agreement; (4) Approve the PD Agreement, which is required for the Land Development Code for the establishment of the PD Zoning District.

   Mayor Nelson asked if we can make all 4 as one motion. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve the 4 recommendations presented.

   MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve the four (4) recommendations presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

2. Ordinance No. 2829 – Second Reading – Change of Zoning
   From: T (Transitional District)
   To: RSF-1B (Residential Single-Family Large Lot)
   Owner: Citrus Ridge Real Estate, LLC
   Applicant: Cantero Holdings, LLC
   Location: 202 S. Binion Road
   Project: 19.11 +/- acres
   Project Manager: Allyson Williams

Mayor Nelson asked if there have been any changes since the first reading to which Bobby Howell advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2829.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to adopt Ordinance No. 2829. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

3. Ordinance No. 2831 – Second Reading – Small Scale – Future Land Use Amendment
From: MU-ES-GT (Mixed-Use-East-Shore-Gateway) Subdistrict
To: Mixed-Use (0-15 du/ac and 1.0 FAR)
Owner: PMDW Ventures, LLC
Applicant: PMDW Ventures, LLC c/o Geoffrey L. Summit, P.E.
Location: 2600 Peterson Road
Project: 9.84 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Jean Sanchez advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2831.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to adopt Ordinance No. 2831. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

4. Ordinance No. 2834 – Second Reading – Change of Zoning – Assignment of KPI Transition Overlay District and Master/Major Development Plan
From: T (Transitional District)
To: MU-KPI (Kelly Park Interchange District Mixed Use) and Transition Overlay
Owner: Foremostco, Inc.
Applicant: G L Summit Engineering, Inc.
Location: 4550 Golden Gem Road
Project: 35.56 +/- acres
Project Manager: Phil Martinez

Mayor Nelson asked if there have been any changes since the first reading to which Phil Martinez advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2834.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to adopt Ordinance No. 2834. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

5. Ordinance No. 2824 – First Reading – Large Scale – Future Land Use Amendment
   From: Residential very low suburban (Max 2 DU/AC)
   To: Industrial (Max 0.6 FAR)
   Owner: Nancy Mann Trust c/o William Blaine
   Applicant: William Blaine
   Location: 444 Hermit Smith Road - South of Hogshead Road and west of Hermit Smith Road
   Project: 78.99 +/- acres
   Project Manager: Jean Sanchez

   Jean Sanchez, Planner I, provided an overview of the Large Scale – Land Use Amendment. She said it was approximately 78.99 acres and was located at 444 Hermit Smith Road.

   Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2824 at first reading and hold over for a second reading and adoption.

   MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve Ordinance No. 2824 at first reading and hold over for a second reading and adoption, following transmittal to the State. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

6. Ordinance No. 2825 – First Reading - Change of Zoning
   From: RSF-1A (Residential Single-Family Estate District)
   To: I-L (Light Industrial District)
   Owner: Nancy Mann Trust c/o William Blaine
   Applicant: William Blaine
   Location: 444 Hermit Smith Road - South of Hogshead Road and west of Hermit Smith Road
   Project: 78.99 +/- acres
   Project Manager: Jean Sanchez

   Jean Sanchez, Planner I, provided an overview of the reason for the zoning change. She said it was approximately 78.99 acres and was located at 444 Hermit Smith Road.

Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2825 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve Ordinance No. 2825 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

7. Resolution No. 2021-14 - Second Reading and Adoption of a non-ad valorem street lighting special assessment rate for Avian Pointe.
Presented by: Charles Vavrek

Mayor Nelson asked if there have been any changes since the first reading to which Chuck Vavrek advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-14.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to approve Resolution No. 2021-14. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

8. Resolution No. 2021-15 - Second Reading and Adoption of a non-ad valorem street lighting special assessment rate for Bridle Path.
Presented by: Charles Vavrek

Mayor Nelson asked if there have been any changes since the first reading to which Chuck Vavrek advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-15.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve Resolution No. 2021-15. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

9. Resolution No. 2021-16 - Second Reading and Adoption of a non-ad valorem street lighting special assessment rate for the Oaks at Kelly Park Subdivision.
Presented by: Charles Vavrek

Mayor Nelson asked if there have been any changes since the first reading to which Chuck Vavrek advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-16.

MOTION by Commissioner Smith, and seconded by Commissioner Velazquez to approve Resolution No. 2021-16. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

10. Resolution No. 2021-17 - Second Reading and Adoption of a non-ad valorem street lighting special assessment rate for Oak Pointe North Subdivision.
    Presented by: Charles Vavrek

    Mayor Nelson asked if there have been any changes since the first reading to which Chuck Vavrek advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-17.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker to approve Resolution No. 2021-17. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

11. Resolution No. 2021-18 - Second Reading and Adoption of a non-ad valorem street lighting special assessment rate for Emerson Park subdivision.
    Presented by: Charles Vavrek

    Mayor Nelson asked if there have been any changes since the first reading to which Chuck Vavrek advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-18. .

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve Resolution No. 2021-18. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

12. Resolution No. 2021-20 - Establishing a non-ad valorem retention pond assessment rate for Martin Place (Phase 2) subdivision and hold over for a second reading and adoption.

Presented by: Charles Vavrek

Chuck Vavrek said this is the first reading establishing a non-ad velorem retention pond assessment rate for Martin Place (Phase 2) subdivision and is similar to the other assessments.

Mayor Nelson asked if there are any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion approve Resolution No. 2021-20 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to approve Resolution No. 2021-20. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

13. Resolution No. 2021-21 - FY20/21 Budget Amendment
Presented by: Gladymir Ortega

Gladymir Ortega, Finance Director provided the amendment for her

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-21. .

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to approve Resolution No. 2021-21. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Valezquez stated that she enjoyed Saturday sounds and there are two left; she has been going faithfully. She is thankful for the presentation from CFX, this morning; she went and saw the unveiling of the depot for the bright line and it was very impressive. She is excited about bright light coming a reality; you will be able to take the train all the way down to West Palm.

Commissioner Bankson stated that we had a tremendous Prayer Breakfast; a real first coming together as a community.

Mayor Nelson stated that he had two elected officials come to him stating how uplifting and amazing the program was, and congratulated Pastor Bankson.

Commissioner Smith stated that he as attended two of session for the diversity inclusion workshops and they have been very beneficial; however, it has been noted that there should have been more City employees attending the workshop. There are three sessions left and he will be presenting at session four. He stated that he also has an event on June 5th he will be having a financial planning working and on June 28th he will be having a three-series workshop for Economic Empowerment through Employability. That workshop will be taking place at the Billy Dean Community Center. Lastly, tomorrow night at 6:30pm we will be reading a proclamation from the City recognizing May 20th as Florida Emancipation Day, on the steps on City Hall and the public is invited to attend.

Commissioner Becker stated that he has a short presentation tonight. He said it is his understanding that we have another dollar type store coming, in the works, and location wise it is going next to another dollar type store that we already have here in the City of Apopka. He went on to state that Dollar General expects to put another 1,000 stores on the books this year alone, they have not been affected by COVID; they are actually thriving. They are leading the expansion of retail brick and mortar location. The Dollar Stores themselves, historically target low-income communities and that is how they make their money. He stated that these stores are not helping the communities: only five percent will offer produce by the end of 2020. The City of Apopka has twelve dollar-type stores: four Dollar Generals, four Family Dollar, which is now a subsidiary of Dollar Tree whom acquired them back in 2015, and there are other off-brand dollar type stores that represent the other numbers. This causes a concern due to the high concentration, which deters other larger grocery stores, with actual produce, to build in these locations. He stated that he sees very minimum or no community involvement from those brands and he does not see that they have Chamber representation either. He does not see where they give back to or invest in the communities in which they are located. He does not see an overwhelming economic impact, on the positive side of these brands; especially when you have such high concentrations of them. He believes that they have an adverse effect. He suggested that the City review its policies and explore others. He suggested further classifications based on the percentage of fresh produce being offered, other food offerings, etc. and create buffer requirements. He asked that staff come back with some suggestions.

Commissioner Smith agreed with Commissioner Becker and further stated that the promises from these stores to invest in our community has never happened.

Commissioner Bankson asked about the legal side of things.

Michael stated that there are numerous cities that have imposed distant requirements, and as long as there is a rational basis for such, it is some that can be defensible under zoning.

Commissioner Valezquez asked how is it that cities such as Windermere do not allow these types of stores in their community. What do they have in their codes for retail, which they do not allow it?

Michael stated that it depends on how and when their codes were written. Local governments can make justifications to prevent certain uses and rezoning will not allow them. He gave the example of the City of Boca Raton, there are no car dealerships; however, one city over in the City of Delray Beach, as soon as you cross over there are eight car dealerships, in a row. Cities can regulate certain uses or not permit them in zoning, now the question is, because that use exists in this city, we can prohibit any future uses; however, those existing uses will become non-conforming uses. We cannot ban it and make them leave.

CITY ADMINISTRATOR REPORT

Edward Bass said he has a couple items and said we've set the budget dates and said our FY-22 Budget Workshops will be July 19th at 5:00 p.m. ; July 20th at 5:00 p.m. and July 21st at 5:00 p.m. He said on July 21st, we have our regularly scheduled City Council Meeting at 7:00 p.m. and that will be where we set the proposed millage rate. He said staff is requesting that to put our Council Meetings in line with our Budget Workshops, we're requesting that the September 1st City Council meeting be cancelled and moved to September 8th at 1:30 p.m. In addition, the Tentative Budget Hearing will be September 8th, that same day at 5:15 p.m. as it has to take place after 5:00 p.m. He said the Final Budget Hearing will be September 15th at 6:00 p.m. and that same day at 7:00 p.m. is our regular City Council meeting at 7:00 p.m. He said we'll need an action item to cancel the September 1st meeting and move it to September 8th, 2021. In addition, we will hold the CRA Budget Hearing on the 18th of August at 6:00 p.m. before the regular 7:00 p.m. City Council Meeting.

Mayor Nelson asked for a motion to cancel the City Council Meeting of September 1, 2021 and move it to September 8th, 2021 at 1:30 p.m. .

MOTION by Commissioner Becker and seconded by Commissioner Bankson, to cancel the City Council Meeting of September 1, 2021 and move it to September 8th, 2021 at 1:30 p.m.

Edward said that we got word that our rescue dollars will only be $7 million rather than the $22 million that we were first told. He said we're going through this and said the Florida League of Cities has been very helpful.

Mayor Nelson said we may engage Gray Robinson to help go after funding opportunities on a State and Federal level. He said he can handle the funding that's available in the Legislature but said we need some help with finding the other pots of money that we're eligible for.

Edward said that each month on the Consent Agenda will be along with the Disbursement Report, we're going to do a Budget to Actual report. This will be updated each month.

CITY ATTORNEY'S REPORT

Michael Rodriguez provided a brief update on the process of the Small City CDBG Grants. He said one of the requirements of the Federal Government imposes is that the City adopt a myriad of policies that cover a wide range of subjects. He said felt that it warranted that we review all of these in order to examine their impact without just putting all of these before you for adoption. He said the subject matter ranges from policies that need to be adopted as specific as the use of excessive force by the Police Department when it comes to non-violent Civil Rights Demonstrations as well as enforcement of State and Local laws prohibiting the barring of entrance and exits to Public Facilities that are the subject of non-violent Civil Rights Demonstrations. He said he's presented the draft to the Police Chief so we can better examine how that requirement which has been part of the DEO and HUD's requirements. For CDBG grants and how that will be affected by the recent passage of HB-1. He said the Chief informed him that the City has adopted an excessive force policy so we should be able to incorporate the existing policies of the Police Department with the requirements of the CDBG grants.

He said that the Fire Department did have their Union vote this past Wednesday and said there are now two bargaining units. The IAFF will be representing the Rank and File and the second bargaining unit, consisting of three, is the next supervisory level. He said we'll proceed forward if there is to be any collective bargaining when it comes to the Firefighters.

MAYOR'S REPORT

Mayor Nelson said Pulse Clinical does vaccinations and are going to use Kit Land Nelson Park on the 29th and the 30th to do the Pfizer vaccinations from 9:00 a.m. – 3:00 p.m. both days. He said it's for adults and children 12 years and up and if you're under 18 years old, you need an adult with you.

Commissioner Velazquez asked if they were just doing it in the open park to which Mayor Nelson confirmed.

Mayor Nelson said the survey results from Brian Forman in Recreation are in your packet so take a look at them. He said the #1 choice is a dog park; multi-purpose fields; rest rooms and accessible playgrounds.
Mayor Nelson said the trip to Tallahassee was already in the paper last week and said he went to see the Governor to plead with him about not vetoing our Fire Station #6 for the third time. He said he also went by DEP. He said we have Sheeler Oaks solved and now we have to figure our 426 Piedmont Wekiva Intersection as far as excessive flooding. He said Orange County has done a lot of work in determining that there was a drainage well at that intersection but unfortunately, it's three lanes under 436. He said DEP wanted us and Orange County to dig up 436 to find the drainage well, cap the drainage well for us to then replace that with another drainage well. He said his

recommendation to DEP was we feel pretty confident that there is a drainage well under 436 and rather than us spend the money to tear up the road and detour traffic, we could use that money to treat the water before it goes into the drainage well. He said they're going to consider that.

Mayor Nelson said Camp Wewa update is that we're still waiting and should have a determination from the surveyor as to how many acres they have to sell that's developable and at that point we can make a decision as to how to move forward.

Mayor Nelson said the Rock Springs Ridge update is that in the last week, he's had three different meetings. He said in your packet is the information from the Manatee Recreational District University Park. He said he's made calls to all of the five folks that are on the board and spoken to all of five. He ran through how they operate their Recreational District. He said they provided a copy of their Ordinance and we're going to craft this to our needs. He said we'll share this on our website and will have one more meeting with the folks at Rock Springs Ridge to get their feelings and blessings on this. He said we'll be working with Bill Cowles to put together an election. He said we got a cost of the election of less than $5,000 and said that would be the best way to do this. He said he had a meeting with Gary McSweeney, the HOA President for Rock Springs Ridge, Kurt Ardamon, their attorney as well as Michael Rodriguez to lay out the groundwork. He said according to the HOA, they're leaning toward the Recreational District. He said before we move forward, we'll need an environmental audit on the property around the clubhouse; a letter from SJRWMD as to the ponds. He said once complete, we can take it to the voters of Rock Springs Ridge. He said Kurt Ardamon talked about putting together a 3-Way Agreement and discussed the lease agreement.

ADJOURNMENT - There being no further business the meeting adjourned at 10:45 p.m.

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Bryan Nelson, Mayor

ATTEST: ______________________________
Susan M. Bone, City Clerk