

CITY OF APOPKA

Minutes of the City Council regular meeting held on May 18, 2022 at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson (Absent)
Commissioner Nick Nesta
Commissioner Alexander Smith
Commissioner Diane Velazquez
City Administrator Edward Bass (Absent)
City Attorney Michael Rodriguez

PRESS PRESENT: John Peery, The Apopka Chief

INVOCATION – Commissioner Smith provided the invocation and led in the Pledge of Allegiance. He then read the fact of the day, as follows: On May 18, 1917, Congress passed the Selective Service Act, which gave the President the power to draft soldiers. The U.S. only had 100,000 soldiers to send to Europe to help the Allies during World War I. To remedy this situation, Wilson pushed the government to adopt military conscription, which he argued was the most democratic form of enlistment. To that end, Congress passed the Selective Service Act, which Wilson signed into law on May 18, 1917. The act required all men in the U.S. between the ages of 21 and 30 to register for military service. Within a few months, some 10 million men across the country had registered in response to the military draft. By the end of World War I in November 1918, some 24 million men had registered under the Selective Service Act. Of the approximate 4.8 million Americans who eventually served in the war, roughly half had been drafted. Through the years, the requirements of selective service have been revised. Currently, men are required to register with the Selective Service System within 30 days of their 18th birthday.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of May 4, 2022.

Mayor Nelson asked if anyone had any questions on the minutes. Hearing none, he asked for a Motion to approve the two sets of minutes, as presented.

MOTION by Commissioner Velazquez and seconded by Commissioner Smith to approve the two sets of minutes, as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

PROCLAMATION

1. Florida Emancipation Day Proclamation
Presented by: Mayor Bryan Nelson

PRESENTATION

1. Free Water Safety Class
Presented by: Lt. Jerold Maynard, Officer Josean Velez-Cantres and Gary Fuchs
2. Phone Payment by Credit Card
Presented by: Rob Hippler

AGENDA REVIEW

PUBLIC COMMENT PERIOD

The following members of the Public spoke during the Public Comment Period:

CONSENT (Action Item)

1. Execute release of Code Enforcement Lien for Peggy L. Cook - 18 East Thrush Street, Apopka, FL.
2. Execute a partial Code Enforcement Lien Release for William Joseph C/O W Joseph Properties Inc. - 3792 Glover Lane, Apopka, FL.
3. Authorize Mayor to execute Opioid Litigation Settlement Participation Form, Walgreens Opioid Litigation.
4. Authorize the disposal of capital surplus equipment.
5. Award contracts for RFQ 2022-67: Continuing Service Professional Engineering: Geotechnical & Construction Materials Testing.
6. Authorize the execution of piggyback contracts for fiscal year 2022.
7. Accept the disbursement report for April 2022.

Mayor Nelson asked if anyone had any questions or needed to take anything off of the consent agenda. Hearing none, he asked for a motion to approve seven (7) items on consent.

MOTION by Commissioner Smith and seconded by Commissioner Nesta to approve the seven (7) items on consent. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Appointment of Radley Williams as Recreation Director
Presented by: Mayor Bryan Nelson

Mayor Nelson provided a brief introduction of Radley Williams.

Radley Williams

Mayor Nelson and the Commissioners spoke in favor of this Appointment.

MOTION by Commissioner Velazquez and seconded by Commissioner Smith to ratify the Appointment of Radley Williams as the new Recreation Director. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

2. City Council to nominate and confirm the Council member to represent the City of Apopka on the Lake Apopka Natural Gas District Board of Directors.
Presented by: Mayor Bryan Nelson

Mayor Nelson asked members of Council to nominate a representative to serve on the Lake Apopka Natural Gas District Board of Directors.

Commissioner Velazquez said she served on the LANG District BOD when she first became a Commissioner and said Commissioner Smith had expressed an interest in serving on the LANG District Board and made a motion to nominate Commissioner Smith.

MOTION by Commissioner Velazquez by and seconded by Commissioner Nesta to Confirm the nomination of Commissioner Smith to represent the City of Apopka on the Lake Apopka Natural Gas District Board of Directors. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

3. Approval of contract for purchase of property at 633 S. Park Avenue, Apopka, FL for construction of Public Safety Complex.
Presented by: Michael Rodriguez

Michael Rodriguez said the City currently owns 3.135 acres of land which the APD currently this is a request to approve the purchase of the property known as the Champney property, which abuts the for the expansion of and said the assembly of lots. He said we have one more lot to expand the contract for authorization for the record. \$220K and said we're seeking the motion to move forward. He said this is scheduled on Memorial Day so we need to have this on the 31st.

Mayor Nelson asked if anyone had any questions for Michael or if anyone from the Public wished to speak about this item. Hearing none, he asked for a Motion to approve the contract for purchase of property at 633 S. Park Avenue, Apopka, FL for the future construction of the Public Safety Complex.

MOTION by Commissioner Nesta and seconded by Commissioner Smith to approve the contract for purchase of property at 633 S. Park Avenue, Apopka, FL for the future construction of the Public Safety Complex. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

4. Authorize the Fire Chief to execute the continuing Architectural and Engineering Agreement for Fire Station 6 with The Lunz Group.
Presented by: Chief Wylam

Chief Wylam said this item is to extend the continuing Architectural and Engineering Agreement for Fire Station 6 with the Lunz Group.

Mayor Nelson asked if anyone had any questions for Michael or if anyone from the Public wished to speak about this item. Hearing none, he asked for a Motion to approve the contract for purchase of property at 633 S. Park Avenue, Apopka, FL for the future construction of the Public Safety Complex.

MOTION by Commissioner Nesta and seconded by Commissioner Smith to approve the contract for purchase of property at 633 S. Park Avenue, Apopka, FL for the future construction of the Public Safety Complex. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

5. Authorize the execution of piggyback contract for the assigned terms with Axon Enterprise, Inc. for the purchase of new body cameras, tasers, and interview room cameras.
Presented by: Chief McKinley

Mayor Nelson asked if anyone had any questions for Jean or if anyone from the Public wished to speak about this item. Hearing none, he asked for a Motion to approve

MOTION by Commissioner Bankson by and seconded by Commissioner Smith to approve the Major Development Plan - Emerson Pointe Phase II. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Resolution No. 2022-25 - FY21/22 Budget Amendment
Presented by: Gladymir Ortega

Gladymir Ortega, Finance Director, said this Resolution is to cover the first year of APEX Law Enforcement

Mayor Nelson asked if there were any questions or if anyone from the public wanted to speak on this matter. Hearing none, he asked for a motion to approve Resolution No. 2022-21.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez to approve Resolution No. 2022-21. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

2. Ordinance No. 2906 – Second Reading - Small Scale Future Land Use Amendment – Vision Car Wash Two, LLC
From: County Commercial
To: City Commercial
Owner: Vision Car Wash Two, LLC c/o Brandon Peterson
Applicant: Brandon Peterson
Location: 345 West Orange Blossom Trail
Project: 0.23 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt 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. 2906.

MOTION by Commissioner Smith and seconded by Commissioner Nesta to adopt Ordinance No. 2906. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

3. Ordinance No. 2907 - Second Reading - Change of Zoning – Vision Car Wash Two, LLC
From: County C-3 (Wholesale Commercial)
To: City MU-D (Mixed-Use Downtown)
Owner: Vision Car Wash Two, LLC c/o Brandon Peterson
Applicant: Brandon Peterson

Location: 345 West Orange Blossom Trail
Project: 0.23 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt 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. 2907.

MOTION by Commissioner Nesta and seconded by Commissioner Smith to adopt Ordinance No. 2907. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

4. Ordinance No. 2908 – Second Reading - Annexation – Kelly Park Estates
Owner: Kelly Park Road Property, LLC
Applicant: Kimley-Horn & Associates, Inc. C/o Brian S. Ashby. P.E.
Location: South of Kelly Park Road and west of Chandler Road
Project: 6.06 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt 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. 2908.

MOTION by Commissioner Smith and seconded by Commissioner Nesta to adopt Ordinance No. 2908. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

5. Ordinance No. 2914 – Second Reading - Change of Zoning/Master Plan/Development Agreement – Kelly Park Property
From: T (Traditional District)
To: MU-KPI (Kelly Park Interchange District Mixed Use) – Transition and Neighborhood overlays
Proposed Density (Neighborhood Overlay): 3.59 dwelling units per acre
Proposed Density (Transition Overlay): 13.43 dwelling units per acre
Owners: Kelly Park Land Investments, LLC, Galvin Land Services, LLC, and Harriskp, LLC
Applicant: Poulos and Bennett, LLC

Location: South of Ondich Road and east of Round Lake Road
Project: 205.07 +/- acres
Dwelling Units: 670 Single-family & 300 Multi-family
Project Manager: Phil Martinez

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt 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. 2914.

MOTION by Commissioner Nesta and seconded by Commissioner Smith to adopt Ordinance No. 2914. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

6. Ordinance No. 2915 - Second Reading - Rezoning and Master Plan - Gardenia Reserves Major Development Plan
From: T (Transitional)
To: KPI-MU (Kelly Park Interchange – Mixed Use)
Owner: DWPM Ventures, LLC
Applicant: G L Summitt Engineering, Inc. c/o Geoffrey L. Summitt, P.E.
Location: Southwest corner of Golden Gem Road and Sadler Road
Project: 20.27 +/- acres; 141 Townhome Units
Density: Proposed - 6.96 dwelling units per acre; Maximum allowed - 10 dwelling units per acre
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt 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. 2915.

MOTION by Commissioner Smith and seconded by Commissioner Nesta to adopt Ordinance No. 2915. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

7. Ordinance No. 2916 – Second Reading - Future Land Use Amendment – Lester Road Daycare
Owner: Lester Road Land Trust
Applicant: Concept Development, Inc. c/o Jonathan Huels

Location: Southeast corner of Plymouth Sorrento Road and Lester Road
Project: 2.005 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt 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. 2916.

MOTION by Commissioner Velazquez and seconded by Commissioner Smith to adopt Ordinance No. 2916. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

8. Ordinance No. 2917 – Second Reading - Rezoning – Lester Road Daycare
From: PD (Planned Development)
To: C-C (Community Commercial)
Owner: Lester Road Land Trust
Applicant: Concept Development, Inc. c/o Jonathan Huels
Location: Southeast corner of Plymouth Sorrento Road and Lester Road
Project: 2.005 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt 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. 2917.

MOTION by Commissioner Velazquez and seconded by Commissioner Nesta to adopt Ordinance No. 2917. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

9. Ordinance No. 2924 - Second Reading - Approve the Creation of the Kelly Park Community Development District
Presented by: Michael Rodriguez

Mayor Nelson asked if there have been any changes since the first reading to which Michael Rodriguez advised there were none, however this item was previously tabled and will require a motion to hear the Second Reading of this item. .

Mayor Nelson then asked for a motion to hear the Second Reading of this item.

MOTION by Commissioner Smith and seconded by Commissioner Nesta to Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

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. 2924.

MOTION by Commissioner Nesta and seconded by Commissioner Smith to adopt Ordinance No. 2924. Motion carried unanimously with Mayor Nelson, and Commissioners Nesta, Smith & Velazquez voting aye.

10. Ordinance No. 2925 – Second Reading - Land Development Code – Glitch Amendment #5
Applicant: City of Apopka
Project: To update, clarify and amend the content of the LDC
Project Manager: James Hitt
11. Ordinance No. 2927 - Second Reading - Adoption of Backyard Chicken Regulations
Presented by: Michael Rodriguez
12. Ordinance No. 2932 - Second Reading - Adoption of Code Enforcement Citation Program
Presented by: Michael Rodriguez
13. Ordinance No. 2933 - Second Reading - Adopt the updates to the Sewer Use Ordinance.
Presented by: Glen Brooks
14. Ordinance No. 2931 - First Reading - Approval of City Council Rules of Decorum (tabled from May 4, 2022 -- item must be removed from table prior to hearing).
Presented by: Michael Rodriguez
15. Ordinance No. 2939 - First Reading - Amending regulations relating to Fire Department rate schedules.
Presented by: Michael Rodriguez

Mayor Nelson asked if there were any changes to the Ordinance to which Jim Hitt stated there are no changes. He then asked for a motion to adopt Ordinance No. 2867.

MOTION by Commissioner Smith and seconded by Commissioner Bankson to authorize staff to adopt Ordinance No. 2867. Motion carried unanimously with

Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

Mayor Nelson asked if there were any questions or if anyone from the public wanted to speak on this matter. Hearing none, he asked for a motion to approve Ordinance No. 2925 at first reading and hold over for a second reading and adoption.

CITY COUNCIL REPORTS

Commissioner Velazquez

Commissioner Smith

Commissioner Nesta

CITY ADMINISTRATOR'S REPORT

Mayor Nelson provided the budget workshop dates. (on behalf of Edward Bass).

CITY ATTORNEY'S REPORT

Michael Rodriguez provided an update on the property located at

MAYOR'S REPORT

Mayor Nelson

ADJOURNMENT - There being no further business the meeting adjourned at 11:35 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk