

CITY OF APOPKA

Minutes of the City Council regular meeting held on May 4, 2022 at 1:30p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Nick Nesta
Commissioner Alexander Smith
Commissioner Diane Velazquez
City Administrator Edward Bass (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 4, 1966, San Francisco Giants outfielder Willie Mays hits his 512th career home run to break Mel Ott's National League record for home runs. Mays would finish his career with 660 home runs which placed him third on the all-time list at the time of his retirement. In addition to winning the National League MVP in 1954 and 1965, Mays played in 24 All-Star games, winning the All-Star MVP in 1963 and 1968. He was elected to the Baseball Hall of Fame in 1979.

EMPLOYEE RECOGNITION

Service Pin Awards were awarded to City Employees from 12:45 p.m. – 1:15 p.m. in honor of their years of service.

Mayor Nelson gave a shout out to Kathryn Duncan and said she's our Senior Chair Exercise program coordinator and said the seniors love her. He said she started 5 years ago and said we've now added a second class out at the Billie Dean Community Center. He said he's so excited for what she does for our seniors.

Kathryn Duncan said we started in April of 2014 and said it was a rough go in beginning and said we only had a few people but said by the time Covid hit, we were averaging 45-50 people. She said we had a rough 2 years and we're slowly coming back and are breaking records in attendance. She said in addition to people who live in Apopka, she has people coming from Zellwood, Orlando and Altamonte Springs and said last Thursday, we celebrated our 8 year anniversary and presented a short video.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of April 6, 2022.
2. Regular Council Meeting Minutes of April 20, 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 Bankson and seconded by Commissioner Smith to approve the two sets of minutes, as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

PRESENTATION

1. Speed Hump Program Update

Presenters: Sgt. Steve Harmon and Pamela Richmond.

Sergeant Harmon provided an overview of the Speed Hump Program and said this has been presented to Council before however we've recently done some assessments and would like to present the locations of the areas we're recommending that we install them. He explained the criteria that has to be met and said the road must be a local or residential road with an average daily traffic volume of 800-3000 vehicles per day with a speed limit of 30 mph or less. He said if someone complains, either by the City or from a citizen, they can come in and do a speed assessment by collecting data on that roadway to get the traffic volume. He said we also make sure that the road has a maximum of 24'. He said he also communicates his findings with Community Development, Streets as well as the Fire Departments to make a final assessment. He said regular speed humps will go across the entire street and said another option is to put in speed cushions or spacing options.

Pam Richmond said that she has partners all over the City when it comes to transportation and said Steve is one of her biggest partners. She provided a list of the roads we want to do but said what we've come to realize, speed humps are not the end all. She said there are only certain roads in the City that speed humps are a solution for but said we both get calls weekly from sub-divisions complaining about speeding. She said next year, she'll ask for a little more money in the budget so that we can investigate and implement traffic control devices where speed humps are not a solution, including narrow roads, medians and other calming devices. She said the Police cannot be everywhere so anything that we can do to help them will help.

Mayor Nelson said he received a call from the Mexican Consulate about a Sister City program and said they wanted to offer up a great City and said we had a great conversation yesterday about their City. He said we have with us Roberto Sosa Bacardo, who's the Mayor and said they're 200 miles North of Mexico City.

Roberto said it's a true honor for him to be here in our beautiful and prosperous City with great residents and Mayor Bryan Nelson and distinguished Commissioners. He thanked all of the Commissioner's individually. He said Apopka and Coreceola share the challenge

that growth with progress implies. He said orderly, sustainable and inclusive development of thriving cities with a bright future. He said he is here to present his intention of his municipality Coreceola to formalize a Sister City agreement between our beloved Cities. He said Apopka, like Coreceola, is truly the pride of Florida and Carreta.

2. Military Gala Recap

Presented by: Mayor Nelson

Mayor Nelson provided a brief summary of the Military Gala and said Sonny Perdue, the Secretary of Agriculture came down to be a part of this event and said this was the same day we had the Jazz Fest, which is the reason he wasn't able to come down. He said we have the whole committee here today and introduced Annie who said a few words. She said they'd like to thank each and every one of you for choosing to represent us in this beautiful City of Apopka. She said she's been here for 41 years and has raised her children here and said she'll probably never leave. She said as you may know, we got together with the VFW and they had wanted to throw a GALA to raise funds so we got together an "A-Team", which consisted of "US", including Jodi, Debbie, Virginia, Charlotte, Ceal, Diane, Loretta and me. She said this fundraiser was to be held for our veterans for the little things that fall through the cracks and said Veterans have to fight for a wheelchair if they need one. She said after much planning and hard work and of course, support from our community sponsors, we were able to have a beautiful gala event at the Apopka Community Center, where our local chapter is located. She said this fundraiser was overseen by Diane Haubner, who is the ultimate party planner and said no one works longer hours than Diane and her "A-Team" to make this an event to remember. She said the guest speakers were, Mr. Sonny Perdue, the former Governor of Georgia, and Mr. Dennis Joiner, a past National Commander of the Disabled American Veterans. She said we had our own Commissioner Doug Bankson, who graciously gave us our invocation and beautifully sang Proud to be an American while we all held our flags. She said our special guest for the evening, was Destiny Click, who's currently serving in the Marines overseas in Japan, and her family pitched in to help out. She said the final results of our VFW Gala Fundraiser, was an over the top amount and said we're extremely proud to present this check to the VFW for a grand total of \$28,983.85. She said our Commander, Andy Anderson, had a fall and has broken ribs so Loretta Forlaw accepted on his behalf.

AGENDA REVIEW

Michael Rodriguez, City Attorney said we have one minor item to call to your attention. He said advertised for today's meeting was the 2nd reading for Ordinance No. 2924, which was the adoption of the Kelly Park Community Development District. He said unfortunately, the item was erroneously omitted from the agenda and said staff is asking to table this

matter to the meeting of May 18th. He said we'll need a motion to approve tabling the matter. He stated that aside from this, there are no changes to the agenda.

MOTION by Commissioner Velazquez and seconded by Commissioner Bankson to table the second reading and adoption of Ordinance No. 2924 to a date certain of May 18, 2022. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

PUBLIC COMMENT PERIOD

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

Jennifer Sankey, Central Florida Black Nurses Association | Orlando, FL..

David Hoffman, 3601 Tayside Ct Apopka, FL 32712

Gary McSweeney, 1629 Spinfisher Drive, Apopka, FL 32712

Angela Pewsey, 744 S. Christiana Ave Apopka, FL 32703

CONSENT (Action Item)

1. Execute release of Code Enforcement Lien for Malek Mouafak- 202 M.A. Board Street, Apopka, FL
2. Authorize the Police Department to donate funds to the Re-Imagine Communities Awards Ceremony.
3. Authorize the acceptance and ratification of an emergency designation for Public Services to purchase a 2023 Freightliner Container Delivery Truck for the Sanitation Division.
4. Emergency designation for the purchase of services and materials to perform repairs to the bar screen at the City's water reclamation facility.
5. Approve the second renewal extension with Petroleum Traders Corporation
6. Award contracts for RFQ 2022-66: Continuing Service Professional Engineering: Water Resource Program.
7. Authorize the issuance of evaluated and sole source memos.

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 Bankson, Nesta, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Major Development Plan – Emerson Pointe Phase II
Owner: Emerson Pointe Phase II, LLC
Applicant: Appian Engineering, LLC c/o James O. Palm P.E.
Location: 1890 South Hawthorne Avenue
Project: 69.65 +/- acres
Dwelling Units: 225 (97 SF, 128 TH) = 11.45 du (max. 15 du/ac)
Project Manager: Jean Sanchez

Jean Sanchez, Planner II, said the applicant submitted a Major Development Plan for consideration for a 225-unit residential subdivision consisting of 97 single-family detached units and 128 townhome units developed in one phase. She said the developer is also proposing 1.5 acres of the site to be a commercial outparcel located on the western perimeter near the access point on Marden Road that will be developed in the future. The City Council approved a Planned Development (PD) Master Plan on November 3, 2021. All elements of the Major Development Plan are consistent with the approved PD Master Plan. She stated that the townhome lots range in size from 24-feet by 115-feet, or 2,760 square feet in area, and 34-feet by 115-feet, or 3,910 square feet in area. She further stated that the townhome units will be rear loaded and accessed via an alleyway and said, on-street parking is provided adjacent to the townhome units.

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 the Major Development Plan for Emerson Pointe, Phase II.

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 Bankson, Nesta, Smith & Velazquez voting aye.

2. Developers Agreement Amendment - City Center – First Amendment to the Amended and Restated Development Agreement
Owners: Southwick Commons LTD
Applicant: Rebecca Wilson, Lowndes Law
Location: Southeast corner of E 6th Street and S. Alabama Avenue "Apartment site"
Project: 12.823 +/- acres
Project Manager: James Hitt

Jim Hitt said on July 22, 2016, the City entered into a Development Agreement with Taurus Apopka City Center, LLC, (“Agreement”) for the development of a mixed-use real estate project, now known as City Center. The Agreement was based on a vision for the area created through a public involvement effort with the community. He said on July 15, 2020, this Council approved an Amended and Restated Development Agreement and Sales and Purchase Agreement that included various changes to update the Master Plan. No major changes were completed that dealt with the apartment site at that time. He said Taurus Apopka City Center, LLC completed the purchase of the “Apartment” site from the City of Apopka on November 1, 2021, and subsequently resold it to the developer Southwick Commons LTD on November 2, 2021.

Ryan, from Wendover Housing Partners and Southwick Commons LTD, presented a PowerPoint and examples of their other product types. He went on to discuss the staff report and clear up, what he believed to be inconsistencies. He stated that the unit count should be 192 units versus 195 units. He also stated that he has an email, with a letter, in response to his inquiry to confirm zoning and unit count. The letter states ‘you have the right to build 195 units on this site. There is a corner clip of a right-of-way that you will be given credit for, which takes the unit count from 192 to 195. He went on to discuss Exhibit G; the staff comment: ‘the non-subsidized market rent requirement reflects the original DA approval to assure luxury or upscale rental or ownership development.’ To me that reads, if I do not meet a certain rent threshold, I cannot provide luxury or upscale rental products, which on its face, is false. I provide luxury or upscale apartment product for all of my residents, in all of the development I do. The amount of rent I charge, has nothing to do with the quality of the product I am able to produce and provide. He went on to state that these apartments are not subsidized apartments, in no way.

Commissioner Velazquez stated that she is very impressed with the product that the developer builds; she has visited some of his residence. She feels that the term ‘luxury’ is very subjective. She feels that he has a very good product and not only does he build it, but he keeps it in his portfolio; he does not sale it and he continued to take care of all of his properties.

Commissioner Bankson stated that he has seen the product and said unless legal can say why what we have stated does not mean what it says, I do not see this as fitting here. This is nothing against the product and the developer is doing everything he can to bring it up to that standard of expectation, but it still goes to those that have already had investment there.

Michael Rodriguez, City Attorney, stated that Orange County did not believe that this is subsidized, which is their interpretation of rules and regulations; however, when we reviewed this, the HUD definition of subsidized is very broad and expansive and it includes many of those financial assistances and aids that the applicant is using, in order to construct and develop the project. Under HUDS expansive definition of subsidies the achieving and receiving funds from a housing trust arguably it falls under the definition of a subsidy. While our term is not expressly defined, we then go to the next sources. Under HUDS definition, the financial assistance that this developer is receiving from the County constitutes a subsidy. Also, to clarify what this verification form

means; the document is not asking for any approval of the propose use that the applicant is seeking, on behalf of the City. The document is a local government verification, in which an applicant is asking 'is my proposed use consistent with the existing land use and land development code.' Under our land development code' the type of residential use is not an issue. It does not go further and take that second step as an approval of subsidized housing, you still have to meet the requirements of the development agreement, which are tied to the land. This matter is quasi-judicial so your decision must be based on competent substantial evidence.

Becky Wilson, Attorney at the Law Firm Lowndes, 215 N. Eola Drive, stated that the council has three choices: 1) to agree with Ryan's assertion and my agreement that what we are requesting is not subsidized housing, 2) you can agree with staff in that this is somehow a subsidy or you just want to clear up the DA, so that it is really clear, and you can say we will approve the development agreement, remove the word 'non subsidized' and we will add in all the language that makes it stay luxury, or 3) you can go with the staff recommendation to deny the development agreement change and agree with them, that this is a subsidy. We think that we can move forward without a change to the DA.

Commissioner Smith stated that each time he receives an agenda and there is a new project onboard, he goes to visit each site, before meeting with any developers. He did that with this project and after meeting with Mr. Jonathan and asking several questions, he understood what he was trying to do. It seems like a win-win for the City of Apopka, that we will have luxury apartments, that will be affordable for the workforce here in our City. Many of the individuals that work in our city live outside of our city, because they cannot afford to live in our city. With this development coming, it will provide an opportunity for those who work in our city to also reside in our city.

Commissioner Nesta stated that the developer offers a great product, but that is not what we are looking at. What we are deciding is if this falls in line with the original developer's agreement. He stated that the City Center is already different from what it was originally supposed to be, so to go even further from that is concerning to him.

Angela Pewsey stated that the residents of Charter Oaks do not want an apartment complex, but will accept one, if that is what they have to do; however, they strongly urge the Council takes staff's recommendation and deny the request to change the developer's agreement.

Michelle Chase also expressed her position in opposition for the apartment complex.

Arnold Smalley, Small World Solutions, stated that this would not change the look of the downtown area or the City Center at all; there is more of a concern of the people that will move there.

MOTION by Commissioner Bankson and seconded by Commissioner Nesta to Deny any further changes to the Developers Agreement. Motion carried 3-2 with Mayor

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

3. Direction from City Council to move forward with adoption of proposed stormwater assessment rates.

Presented by: Richard Earp

Richard Earp, City Engineer, said the City of Apopka has been collecting stormwater utility fees since the 1990's and said over the past decade, the stormwater fee has not been increased. He said also over the last decade, the City has only utilized a very small percentage of the collected funds and in order to modernize the City's stormwater program. He said the stormwater fees need to be updated in order to provide the resources to have dedicated staff inspect and map the stormwater system and to comply with the Florida Department of Environmental Protection regulatory requirements. He said one of the things that DEP is requiring more of are projects that include water quality for our natural lakes, springs and rivers. He said for example, just this past Spring, the City of Apopka implemented the Dream Lake nutrient separating baffle box project. He said what a baffle box does is trap all of the leaves, dirt and other debris in the stormwater prior to it reaching Dream Lake. He explained that a baffle box has an up flow filter that captures all of the leaves, dirt and debris and said this reduces the dissolved nitrogen and phosphorus in the stormwater, which would otherwise go directly into the lake. He provided an overview of the flow from Dream Lake, when it's treated in the baffle box, until it eventually gets into the Wekiva River.

Henry Thomas from Raftalis provided a brief presentation outlining his recommendations as a result of the recent stormwater study. He said part of what the funding increase will be funding, will be the addition of 4 new employees including an MS4 coordinator; an inspector GIS Analyst and 2 maintenance workers. He said that cost is approximately \$400,000 annually and said that would be one of the benefits of funding increase. He said in addition, we've preliminarily identified about 10.8 million dollars-worth of projects and said we've separated them between projects that we want to fund annually from revenues. He recommended that you pursue some debt funding with SRF and said this can be amortized over 20 years at a very low interest rate. He said one of the things we were tasked with was to determine what the definition of an equivalent drainage unit was. He said when we for bill stormwater services, there's a two-part rate structured as follows: 1) an annual base charge of \$15 and, 2) a charge per equivalent dwelling unit, that equates to \$10 for a single-family residential and said the current annual fee is \$25 for single-family residential. He said we propose two (2) alternatives for your consideration and said 1) is continue to do a one size fits all approach, which is 1 EDU for each single-family home; or, 2) have a tiered analysis. Under the tiered analysis, there are 3 tiers including 1) 0-2,800 sq. feet; 2) 2,800-4,700 sq. feet; and, 3) 4,700 and higher. He said we would put all your

single family residential into these 3 categories and the rates will be according to the EDU factors. He said currently the single-family rate is \$25 per year for all household sizes and said we recommend we raise it to \$60 per year, which is \$5 per month for the flat rate. He said we're asking for today is for direction on which rate structure you prefer, the flat rate or the tiered rate as when we have to identify each property owner of what they were paying and what the new rate would be so that we can have the TRIM notice to the Property Appraiser by July 1st. He said we're not adopting rates at this point, we're asking for guidance and allow us to move forward and put these rates on the tax roll for the TRIM notice. He said the final bill is due on September 15th so we'll have time to hold a Public Hearing to further assess these rates.

Commissioner Nesta said he was concerned about lack of inspections and said in moving forward, we need to be proactive versus reactive. He said he prefers the tiered approach.

Commissioner Smith said he agrees with the tiered rate is best.

Commissioner Bankson also agreed that the tiered approach is best and said the smaller home shouldn't pay what the larger home.

Commissioner Velazquez said she likes the way you categorized this so that everyone pays what's fair in their category.

Henry said this is a relatively newer approach and said when the dollars get more significant, once size fits all doesn't seem to be as fair.

Mayor Nelson said as we move forward with this project, we'll have a better understanding of what needs to be fixed (the reactive thing) and said then we'll know how much we have to be able to bond. He said the rate we did on the wastewater treatment plan was 0.9% and said interest is really good. He said another thing is that the State requires an analysis of our infrastructure as well as a plan to start fixing some of those pipes that are 40 years old and said it's a pretty high hurdle we're going to have to meet relatively soon.

Henry confirmed that there will be a rule handed down by the State on this.

Mayor Nelson asked if there are any question or if anyone from the public wished to speak about this item. Hearing none, he asked for a Motion to authorize staff to move forward with the adoption of stormwater assessment rates.

MOTION by Commissioner Velazquez and seconded by Commissioner Nesta to authorize staff to move forward with the adoption of proposed stormwater assessment

rates. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2867 – Second Reading – Amendment to Ordinance Number 2780 – Rubright Planned Development (PD) and Development Agreement
Owner: Apopka Industrial Airport South, LLC
Applicant: Poulos and Bennett, LLC
Location: West of north Orange Blossom Trail and north of Hogshead Road
Project: 424.34 +/- acres
Project Manager: James Hitt

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.

2. Ordinance No. 2918 - Second Reading – Annexation – 5708 Plymouth Sorrento Road
Owner: Wanda Sue Maclarty
Applicant: Appian Engineering, LLC c/o Luke Classon, P.E.
Location: 5708 Plymouth Sorrento Road
Project: 10.09 +/- 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. 2918.

MOTION by Commissioner Nesta and seconded by Commissioner Velazquez to adopt Ordinance No. 2918. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

3. Ordinance No. 2919 - Second Reading – Annexation – 5706 Plymouth Sorrento Road
Owner: David L. Bakle
Applicant: Appian Engineering, LLC c/o Luke Classon, P.E.
Location: 5706 Plymouth Sorrento Road

Project: 5.41 +/- 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 no changes. . He then asked if anyone had any questions or if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2919.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to adopt Ordinance No. 2919. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

4. Ordinance No. 2920 – Second Reading – Annexation – 5704 Plymouth Sorrento Road
Owner: David Leroy Bakle. Dennis Joseph Bakle and Wanda Sue Maclarty
Applicant: Appian Engineering, LLC c/o Luke Classon, P.E.
Location: 5704 Plymouth Sorrento Road
Project: 1.86 +/- 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 no changes. . He then asked if anyone had any questions or if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2920.

MOTION by Commissioner Velazquez and seconded by Commissioner Nesta to adopt Ordinance No. 2920. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

5. Ordinance No. 2906 – First 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

Jean Sanchez, Planner II, said this is a request to accept the first reading of Ordinance No. 2906, Vision Car Wash regarding a Small Scale Future Land Use Amendment. He said the property is approximately .23 acres in size and is located N. of Orange Blossom Trail; S. of

Old Dixie Highway and W. of Hawthorne Avenue. She said this request to assign the Future Land Use designation of Commercial is compatible with designation assigned to the surrounding parcels as properties. She said the applicant is also applying for a mixed-use MU-D zoning district, which is compatible with the proposed commercial future land use, which is the following item on the agenda.

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. 2906 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Nesta and seconded by Commissioner Smith to approve Ordinance No. 2906 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

6. Ordinance No. 2907 - First 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

Jean Sanchez said this is a request to accept the first reading of Ordinance No. 2907, changing the zoning of the subject property from County (C-3) to Mixed-Use Downtown. She said the proposed MU-D is compatible with the property.

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. 2907 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve Ordinance No. 2907 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

7. Ordinance No. 2908 – First 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

Jean Sanchez said this is a request to accept Ordinance No. 2908, annexation of the Kelly Park Estates properties and said the properties are located S. of Kelly Park Road; W. of Chandler Road and N. of Oakridge Subdivision, Phase I.

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. 2908 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Nesta and seconded by Commissioner Bankson to approve Ordinance No. 2908 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

8. Ordinance No. 2915 – First Reading – Rezoning and Master Plan - Gardenia Reserves

From: T (Transitional)

To: KPI-MU (Kelly Park Interchange – Mixed Use)

Owner: DWPM Ventures, LLC

Applicant: G L Summit Engineering, Inc. c/o Geoffrey Summitt, P.E.

Location: Southwest corner of Golden Gem Road and Sadler Road

Project: 20.27 +/- acres (10 units per acre maximum permitted; proposed 6.96 units per acre)

Project Manager: Jean Sanchez

Jean Sanchez said this is a request to accept the first reading of Ordinance No. 2915, requesting a rezoning from Transitional to KPI-MU with an assignment of a Transition

Overlay. She stated that the proposed KPI-MU zoning is compatible with the intent of the City's KPI Form-Based Code. She said the Master Plan/Major Development Plan proposes the development of a 141-unit, rear loaded, townhome subdivision and each will have a minimum lot width of 21-feet, a minimum living area of 1,250 square feet and up to two stories. She said there are no minimum or maximum living area and lot size requirements required in the KPI area.

Commissioner Nesta said in our packet (pg. 355), references OCPS capacity. He said he wanted to note that as we go through these plans, the determination at Elementary, Middle and High School, the capacities all failed.

Commissioner Smith asked if there was going to be a continuation of the project where the dead end is, (south of the project).

Jean said that is a planned connection for a future development, as required.

Pam Richmond stated that we've become very strict about requiring that those connections are made as well as traffic calming when we create a nice long straightaway like that. She said this developer is the key component of getting Saddler Road connected to the west.

Geoff Summit said we don't own the property to the south and said as staff noted, these interconnections are required under the Form Based Code.

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. 2915 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Nesta to approve Ordinance No. 2915 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

9. Ordinance No. 2916 – First Reading - Future Land Use Amendment – Lester Road Daycare
Designate portion of property to Commercial Future Land Use
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

Jean Sanchez said the subject property is approximately 2 acres on the SE corner of Lester Road and Plymouth Sorrento Road. He said this request to assign the Future Land Use designation of Commercial is compatible with the surrounding parcels as properties. He said the applicant is also applying to rezone the property from PD (Planned Development) District to C-C (Community Commercial) Zoning District, which is also compatible with the surrounding properties.

Commissioner Nesta asked to confirm that the residents in Arbor Ridge to the East, that back up to this have been communicated with.

Jonathan Huels, Lowndes Law firm, responded and said that they conducted a community meeting in early February and said they had 4 attendees, 2 of which are adjacent land owners. He said it was a collaborative meeting and there were no concerns expressed about the proposed day-care use.

Mayor Nelson asked if there were any questions or if anyone the public wanted to speak on this matter. Hearing none, he asked for a motion to approve Ordinance No. 2916 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. 2916 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

10. Ordinance No. 2917 – First 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

Jean Sanchez said this is a request to accept the first reading of Ordinance No. 2917, Lester Road Land Trust rezoning, change in zoning from PD (Planned Development) to C-C (Community Commercial District) of the subject property. She said the proposal of C (Community Commercial) Zoning District is compatible with the property due to the C-C zoning being found on parcels in the vicinity.

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. 2917 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Velazquez and seconded by Commissioner Nesta to approve Ordinance No. 2917 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

11. Ordinance No. 2925 – First 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

Jim Hitt said this request is for the fifth amendment to the Land Development Code that was originally adopted on March 6, 2019 and as with the other glitch amendments, this is designed to amend and clarify some of the different codes. He provided a summary for

clarification and said this amendment effects three of the 10 Articles and Appendix A and D.

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.

MOTION by Commissioner Smith and seconded by Commissioner Bankson to approve Ordinance No. 2925 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

12. Ordinance No. 2926 - First Reading - Small Scale FLUM - Oaks at Kelly Park Phase 4
Staff is requesting to postpone first reading to June 1, 2022.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to postpone the first reading of Ordinance No. 2626 to a date certain of June 1, 2022, and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

13. Ordinance No. 2927 – First Reading - Providing for the keeping of chickens in residential zoning classifications.
Presented by: Michael Rodriguez

Michael Rodriguez said the Ordinance presented before you is initiated based on many calls to our Community Development Department seeking guidance on whether folks can keep a limited number of chickens in their single family homes. He said this is common in many jurisdictions and said that some folks like to keep a small number of chickens in order to be able to have their own eggs. He said many jurisdictions have adopted these ordinances and said the regulations are identical for folks moving from unincorporated areas to the City and said the only differences being the permitting. He provided the requirements for obtaining a permit to have chickens including a site plan, which meets the setbacks provided by our Code, which mirror the setbacks in Orange County. He said the other requirement is that the person(s) must complete a course that's offered by the UF IFAIS in order to learn how to properly handle and raise chickens.

Commissioner Velazquez asked how this is followed up to ensure that the homeowner has met the requirements and has complied.

Michael said there are certain guidelines that must be met, once you receive a permit.

Commissioner Bankson said this ordinance seems pretty comprehensive and thought there

was enough regulation there to alleviate any concerns he had.

Commissioner Smith said he was a part of the committee that drafted the Orange County chicken ordinance and said he has no problems with this.

Commissioner Nesta expressed a few concerns, one dealing with rental properties and said this specifically states its only owner occupied, single family homes or residences so he would like to open it up to tenants as well and said the only other issue is the setbacks.

Mayor Nelson asked if there were any questions or if anyone from the public wanted to speak on this matter.

Susan Fritsche, 1058 Lakeside Drive, Apopka, spoke in opposition of the ordinance.

Discussion ensued as to setback issues, the odor from the excrement, as well as the role of the HOA's.

Mayor Nelson asked for a motion to approve Ordinance No. 2927 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Nesta to approve Ordinance No. 2927 at first reading with the updates as presented and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

14. Ordinance No. 2931 - First Reading - Establishing Rules of Decorum for City Council Meetings
Presented by: Michael Rodriguez

Michael Rodriguez said the Ordinance presented to you is a codification of the City's current Rules of decorum which are currently provided in Resolution 2016-16. He said what this ordinance does is not creating new rules and regulations, rather, the purpose is to codifying them into the Code of Ordinances and said this way, it will be clearly listed in our Code and accessible to the public. He stated there are no substantive differences that have been added however some things have been clarified to be consistent with the State law in regards to decorum rules for City Council meetings.

Substantively, Ordinance No. 2931 addresses public participation in city council and other city board meetings. The Ordinance retains the "Public Comment Period," but regulates the manner in which public comment may occur, limiting the comments to items not on the agenda for that day's meetings, limiting comments to the council or board in its entirety,

thereby disallowing direct comments at individual council or board members, and requires commenters who wish to provide additional media displays (either audio or video) to submit the media to the City Clerk at forty-eight (48) hours prior to the council or board meeting so that the City may review the media files for viruses or other dangers to the city's computer network.

Commissioner Bankson said this has been in place and Rules of Decorum are present from Federal Government to the Municipal levels.

Commissioner Smith said his concern with someone coming in with a presentation, the Council hasn't had a chance to review it.

Commissioner Nesta had a concern that a constituent cannot address him individually and said he is accountable for his own actions. His other concern was that 48 hours for media is a little excessive and asked why we weren't following the Resolution.

Leroy Bell & Rod Olsen spoke in opposition to Ordinance No. 2931.

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. 2931 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Nesta to approve Ordinance No. 2931 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

15. Ordinance No. 2932 - First Reading - Establishing Code Enforcement Civil Citation Procedures
Presented by: Michael Rodriguez

Michael Rodriguez said Ordinance 2932 implements the citation procedures enumerated in Section 162.21, Florida Statutes. He said this citation procedure is essentially a supplemental form of code enforcement in addition to the provisions set forth in Chapter 2, Art. VIII, Division 1 of the Code of Ordinances. He explained that Ordinance 2932 authorizes code enforcement officers to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court or code enforcement special magistrate will hear the charge.

Commissioner Velazquez asked if this was in place of or in addition to our current

procedure to which Michael confirmed this is in addition.

Commissioner Nesta asked if these fines become liens to which Michael said no however, they are similar to not paying a parking ticket where additional fines can be tacked on.

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. 2932 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Nesta and seconded by Commissioner Smith to approve Ordinance No. 2932 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

16. Ordinance No. 2933 - First Reading - Approve the updates to the Sewer Use Ordinance.
Presented by: Glen Brooks

Glen Brooks, Water Resources Operations Manager said the purpose of the Sewer Use Ordinance is to set the requirements for the users of the Publicly Owned Treatment Works for the City of Apopka. This ordinance enables the City to comply with all applicable federal and state laws, including the Clean Water Act (33 U.S.C. s.1251 *et seq.*), the General Pretreatment Regulations (40 C.F.R., Part 403), and Chapter 62-625, Florida Administrative Code. This document was last updated and approved in July of 2015.

He stated that this round of updates was triggered by changes to 40 C.F.R., part 403 and to Chapter 62-625, FAC., and said the City is required on a periodic basis by these statutes to update the Local Pollutant Limits, and for the addition of the rules on the use of dental amalgam separators and to ban pharmaceutical hazardous wastes from being disposed of in the sewers.

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. 2933 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve Ordinance No. 2933 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

17. Resolution No. 2022-11 - Renaming the Golden Orchard Street Lighting Special Assessment District and extending its territorial limits to include Gardenia Reserve and

Oakview Subdivisions.
Presented by: Charles Vavrek

Chuck Vavrek, City Administration, said this is taking the existing MSBU and allowing us to rename it and extend those boundaries. He said the properties abut or are in close proximity to the existing MSBU and for housekeeping purposes, we're consolidating these.

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. 2022-11.

MOTION by Commissioner Smith and seconded by Commissioner Nesta to approve Resolution No. 2022-11. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

18. Resolution No. 2022-12 - Renaming the Bridle Path Street Lighting Special Assessment District and extending its territorial limits to include Wind Rose and Plymouth Sorrento North Subdivisions.
Presented by: Charles Vavrek

Chuck Vavrek, City Administration, said this is taking the existing MSBU and allowing us to rename it and extend those boundaries. He said the properties abut or are in close proximity to the existing MSBU and for housekeeping purposes, we're consolidating these.

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. 2022-12.

MOTION by Commissioner Nesta and seconded by Commissioner Bankson to approve Resolution No. 2022-12. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

19. Resolution No. 2022-16 - Creating the Lake McCoy Oaks Neighborhood Improvement District and clarifying its territorial limits.
Presented by: Charles Vavrek

Chuck Vavrek, City Administration, said this is taking the existing MSBU on the West side and to consolidate areas into one district. He said the properties abut or are in close proximity to the existing MSBU and for housekeeping purposes, we're consolidating these. 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. 2022-12.

MOTION by Commissioner Nesta and seconded by Commissioner Bankson to approve Resolution No. 2022-12. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

20. Resolution No. 2022-17 - Creating the Martin Place (Phase 1) Neighborhood Improvement District and clarifying its territorial limits.
Presented by: Charles Vavrek

Chuck Vavrek, City Administration, said this Resolution is for the creation of the neighborhood improvement district. He said the HOA was responsible however he was unable to reach anyone from the HOA.

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. 2022-17.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve Resolution No. 2022-17. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith & Velazquez voting aye.

21. Resolution No. 2022-21 - FY21/22 Budget Amendment
Presented by: Gladymir Ortega

Gladymir Ortega, Finance Director, said this budget amendment is to purchase is to replace Sanitation Division's 2021 Ford F-350 delivery vehicle that was involved in an auto accident and may require extensive repairs. The vehicle is currently being evaluated by insurance adjusters and will be out for an extended period of time. Total dollar amount is \$127,273.75 plus a ten percent contingency totaling \$140,001.13.

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 Bankson, Nesta, Smith & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez welcomed Nick Nesta and said the City did a wonderful job with the swearing in for all of us and it was very nice and we all enjoyed it. She said she along with the Mayor, and Commissioner Bankson attended the volunteer appreciation

breakfast at Dream Lake Elementary. She said the last 2 weeks, she attended the Apopka Softball team games and congratulated them and said they've had a great season.

Commissioner Bankson said went to the 25th anniversary of the Zellwood Historical Society and it was a great event. He brought up the Farmers Market and the declining interest. Mayor Nelson mentioned that we're working on options for the Fall and coupling this with Saturday Sounds. Commissioner Bankson said Rod brought up the back-flow preventers and having the City look at this and said the convenience of this would be much appreciated for the average person. Mayor Nelson said we'll be bringing you back something on this.

Commissioner Smith thanked Public Works and said they're doing an outstanding job and we appreciate your attention. He said this week is teacher appreciation week and we support all of their efforts. He said he attended Wekiva High Schools Awards night with his friend John Cohen and said they presented a scholarship there last night and will be going to Apopka High School on the 16th for their awards night and will present two scholarships there.

In addition, he asked the Mayor to consider declaring a "Housing State of Emergency" in the City of Apopka and to pursue some sort of rent stabilization program. He said according to Florida Statutes, 125.0103 & 166.043, Local Governments have the ability to declare a housing emergency where we can (1) Freeze the current rent rates for 12 months, and (2) Capping rent at 30% of the tenant's income. He said another item he'd like the Council to take a look at is for us to put together a committee to take a look at Annexation so that we can become "One Apopka". And thirdly, he said, he'd like to ask the Mayor to consider appointing "Diversity, Inclusion and Equity Commission" to establish understanding, respect, goodwill and equity inclusive of all citizens. He said five things that this program needs to take a look at is: 1) People; 2) Programs; 3) Projects; 4) Policies & Partnerships.

Commissioner Nesta thanked his friends and family as well as the Citizens for their support. He thanked former Commissioner Kyle Becker and said he looks forward to leading with similar tenacity, transparency and analytical processes. He also thanked Public Services for their fast response as well as staff that helped him with the onboarding process. He said in addition to teacher appreciation week, we recognize Asian-American and Pacific Islander Month today. And said Happy Mother's Day to all of the mothers.

CITY ADMINISTRATOR'S REPORT

Mayor Nelson provided an update on City Administrator, Edward Bass and said he's making progress and please keep him in your prayers.

CITY ATTORNEY'S REPORT

No report.

MAYOR'S REPORT

Mayor Nelson gave a shout out to his assistant Stacy Van Camp and said she was in charge of putting everything together for the League of Cities luncheon; helping with the Inauguration; the Foliage Festival and also was instrumental for putting together the dignitaries for the Mayor's Prayer Breakfast. He said she deserves a big Kudos!

Mayor Nelson asked Commissioner Smith to tell his news about June 14th. Commissioner Smith said on June 14th, he'll be officially inducted into the FFA Hall of Fame.

ADJOURNMENT - There being no further business the meeting adjourned at 7:07 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk