

CITY OF APOPKA

Minutes of the City Council regular meeting held on April 7, 2021 at 1:30 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 via Zoom

PRESS PRESENT: John Peery – The Apopka Chief

INVOCATION/PLEDGE – Commissioner Smith provided the invocation, led in the Pledge of Allegiance. He then provided the fact of the day as follows: On April 7, 1805, Lewis and Clark resumed their westward expedition after spending the winter camped along the upper Missouri River (near present day Bismarck, North Dakota). They began their expedition in spring of 1804 near St. Louis, Missouri as part of efforts to explore and map out land west of the Mississippi River bought as part of the Louisiana Purchase. In Spring 1805, they resumed the trip with their Indian guide, Sacagawea. They completed their 8,000-mile journey in 1806 when they reached the Pacific.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of March 17, 2021.

Mayor Nelson asked if anyone had any questions about any of the minutes and noted a minor omission. Hearing no additional changes, he asked for a motion to approve the Meeting Minutes of March 17, 2021, as read.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve the Meeting Minutes of March 17, 2021, as read. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

AGENDA REVIEW

Edward Bass, City Administrator, said there are no changes to the Agenda.

PROCLAMATION

1. Art & Foliage Festival Weekend Proclamation presented to Apopka Woman's Club
Presented by: Mayor Nelson

Mayor Nelson said that this is the 59th Art & Foliage Festival as last year we didn't have a festival. He said this has become absolutely our #1 event across the City and said everyone knows it's the last full weekend in April and said we're so happy to have the Apopka Woman's Club here to accept this Proclamation.

Mayor Nelson then read the Proclamation and said it's the City of Apopka's pleasure to be a part of the 59th Apopka Art and Foliage Festival and proclaimed April 24th & April 25th, 2021 as Art & Foliage Festival weekend.

PUBLIC COMMENT PERIOD

Gary Childress, 3914 Caledonia Avenue, Apopka, said he wanted to give thanks to the Mayor and Commissioners for continuing to work with our HOA toward securing the former golf course lands for our community. He said it is my faith that your commendable efforts will be successful and our community will be made whole again. He said he's confident that with your assistance, Rock Springs Ridge will continue to thrive as one of Apopka's premiere communities. He said he is opposed to any land use amendment, no rezoning in the neighborhood, no changes to the PUD and for acquisition of the former golf course for the HOA.

Pastor Jimmie Howard, Sr., 1013 S. Central Avenue, Apopka, said he's concerned with the activities around 10th Street and Central Avenue. He said we have a store that's selling beer and the guys come out and drink around the store. He said across the street there's a church and asked what the City's rules are about open containers and beer being sold near a religious establishment. In addition, he said in his area, there are guys that play loud music and said he shouldn't be able to hear it and said he sees police in the area and no one stops it. He also asked about parking on 10th Street and said on the City side, we have no parking signs and shrubbery around that but yet they still park their cars on both sides and said no one does anything about moving them. He said if this was happening around other parts of the City, it would be stopped. He asked about the rules on picking up trash and said he drives through some areas and sees trash built up on the side for weeks until he calls the City and asked if the rules are different in his area. He said he knows that along 10th Street belongs to the County but asked what we can in conjunction with the County do to maintain the same standard of service.

Mayor Nelson said he sees the Police Chief and Deputy Police Chief in the back taking notes and said if you'd like, please call my office and we can set up an appointment with

everyone and go through the issues and address each one of them to see what we can work out.

Mayor Dale McDonald, Mayor of the City of Maitland said he wanted to make a quick farewell tour and said he's Mayor for 5 more days. He said we've had such a great relationship with the City of Apopka and said we go back 6 years of learning together and said the passion and the foresight and vision that we've demonstrated here at the City of Apopka, they're trying to do in Maitland. He said our next Mayor will be John Lowndes, Jr.. He said he wanted to say hello to everyone and said the City has been terrific to work with and it's been a great working relationship and said that's what it's all about at this level is relationships and being able to trust people you talk to and seek advice from. He said we're all on the same page looking for the same things to do that impress our grandchildren.

Mayor Nelson thanked him for coming out and said we've served on Metro-Plan; League of Mayors; League of Cities together.

CONSENT (Action Item)

1. Authorize a memorandum of understanding with Careersource for the Apopka Youth Works Program.
2. Authorize the execution of piggyback contracts for fiscal year 2021.

Mayor Nelson asked if anyone needed to pull any of the items or had any questions. Hearing none, he asked for a motion to approve the two (2) items on consent.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez, to approve the two (2) items on consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Final Development Plan – Summer House at Lake Apopka Apartments
Owner: MRAD Phase 2, LLC
Applicant: MRAD Phase 2, LLC c/o Michael Niederst, CEO
Location: East of SR 451, west of Marden Road, North of SR 414 Lot 3 of the Marden Ridge Replat
Project: 16.08 +/- acres; Apartment Complex (264 multifamily units)
Project Manager: Jean Sanchez

Jean Sanchez, Planner II, said this is a request to approve the Summer House at Lake Apopka Apartments Preliminary Development Plan and Final Development Plan and noted that this project is subject to the 1993 Land Development Code. She said the property is approximately 16 acres and is located East of SR 451; West of Marden Road;

North of SR 414 and lot 3 of the Marden Ridge replat. She said the preliminary Final Development Plan proposes the construction of Summer House Apartments at Lake Apopka as a gated and private apartment complex comprising of 264 multi-family units. She said the proposed minimum living area is 750 square feet and the amenities include a pool, clubhouse and a centrally located retention area is designed as an open space amenity which includes pedestrian elements such as a sidewalk, benches and a fountain. She said this site will have a single access point from Marden Road and said right and left turn lanes will be constructed at the site entrance. She said additionally, the LDC requires 2 parking spaces per unit and per Code, 578 spaces are required. The Development Plan includes 416 parking spaces, 112 fewer spaces than required by Code. She said the applicant has submitted a parking shared parking analysis and based on that analysis, Summer House is proposing parking spaces at a rate of 1.58 per unit and said this exceeds the average demonstrated demand of 1.5 spaces per unit by 10 spaces. She stated that because there is cross-access, the total number of spaces available is 960, which is a rate of 1.79 spaces per unit, which exceeds the demand by 156 spaces. She provided the components of the landscape plan along Marden Road and the northern boundary as well as around the central retention pond and embellished parking islands. She provided a graphic of the proposed architectural elevations of the apartment buildings which meet the Cities development design guidelines. She said the applicant is available for questions.

Commissioner Becker said he understands the parking spots coming up less but asked if this cut into the disabled parking to which Jean confirmed yes, there is sufficient disabled parking.

Commissioner Bankson said at the bottom of the transportation impacts, it says all will operate at acceptable levels of service with the addition of project traffic with the exception of Marden Road and Ocoee Apopka Road and asked for clarification.

Pam Richmond, Transportation Planner said that is correct but we're going to signalize that intersection and another developer is going to add turn lanes and signalize the intersection. She said that should be designed, later this year and maybe constructed in a year or so and said that's taken care of.

Luke Classon, Appian Engineering said he's here to answer any questions.

Rogers Beckett, 7 West Main Street, Apopka, said currently on Marden Road from Ocoee Apopka, on up to the new intersection, there are no streetlights and said now may be a good time to coordinate with Duke to install some along Marden.

Pam Richmond said this project was done under the 1993 Land Development Code but said we have a list and are working with Duke Energy to get some installed.

Commissioner Becker asked if other Cities have that requirement built into their Code?

Jean stated that we just passed an Ordinance requiring new developments to provide lighting along the frontage of the road, however our 1993 Code does not require it.

Mayor Nelson 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 approve the Final Development Plan for the Summer House at Lake Apopka Apartments.

Phyllis Page, Marden Road, Apopka, said she's been there a long time and there have been a lot of changes and asked if there is a plan to improve the road since the apartments are there, Emerson Park is there and it's only a two-lane road and the cars go really fast there and it's dangerous.

Pam Richardson said that she's been in discussions with Orange County and said we plan on signalizing Marden Road and Ocoee Apopka Road. She said on Keene Road and Ocoee Apopka Road, will also be signalized and said we'll have additional information forthcoming as to the road improvements.

Mayor Nelson asked if anyone else from the Public wishes to speak on this matter and hearing none, he asked for a Motion to approve the Final Development Plan for the Summer House at Lake Apopka Apartments.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez, to approve the Final Development Plan Summer House at Lake Apopka Apartments. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

2. Final Development Plan – Marden Ridge Track and Field
Applicant/Engineer: Appian Engineering, LLC c/o Luke M. Classon, P.E.
Location: East of SR 451: west of Marden Road; south of Ocoee Apopka Road
Project: 2.44 +/- acres; Track and Field with Restroom Facility
Project Manager: Jean Sanchez

Jean Sanchez said this is a request to approve the Marden Ridge Track and Field, Preliminary and Final Development Plan. He said this item is also subject to the 1993 Land Development Code. She said the property is approximately 2.4 acres and located just north of the proposed Summer House Apartments. She said the Marden Ridge Track and Field Final Development Plan is the recreational component of the proposed Summer House Apartments. She said the track and field will be gated and is comprised of bleachers and rest room facilities. She said aluminum fences are placed along the western and eastern perimeter and retaining walls are located along the northern and southern boundaries. She said access to the site is located on Marden Road and 21 parking spaces are provided. She said the landscaping plans meet the LCD requirements and showed a graphic of the architectural elevations. She said the applicant is present for any questions.

Commissioner Bankson asked about the fencing in between the apartments and the field and said it looks like there's a wall all the way around with only access in the front to which Jean confirmed that is correct.

Mayor Nelson asked if anyone else from the Public wishes to speak on this matter and hearing none, he asked for a Motion to approve the Marden Ridge Track and Field with restroom facility.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve the Marden Ridge Track and Field with rest room facilities. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

3. Approve the Stipulation of Parties for the Opening of General Electric Road – FDOT Crossing Number 966258L Railroad-Highway Grade Crossing, City of Apopka, Florida
Presented by: Richard Earp

Richard Earp, City Engineer, said that this is a rail crossing that was approved on February 20, 2019 and said it's been constructed. He said this agreement puts the cost of future maintenance on the developer with coordination of the Railroad and said there is no cost to the City, rather this is just the final FDOT agreement that needs everyone's signature.

Mayor Nelson asked if anyone else from the Public wishes to speak on this matter and hearing none, he asked for a Motion to approve the Stipulation of Parties Agreement for the Opening of General Electric Road.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve the Stipulation of Parties Agreement for the Opening of General Electric Road. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

4. Review and approve bid offers for the sale of the Airport FBO-2 building and fuel operations.
Presented by: James Hitt

Jim Hitt, Community Development Director, said that we've had the Airport FBO building since its inception back around 1996 and said the City Council decided to put this out to bid. He said we were getting to the end of our tenure for managing the operations of the FBO and also the fuel sales. He said the appraisal came in on the building itself, at \$475,000 and said that is one piece of the property but said we have rights to the location of the tank, the gas tanks as well. He said we had 5 bids come in, all on time and some had more information than others and said all seem to have the best

interest in mind for the airport. He said we're looking for City Council to review and approve one of the bids so we can process the sale.

Mayor Nelson asked Edward to provide an overview of the costs incurred over the years so that everyone knows what a money pit this has been.

Edward Bass said when we purchased the airport, we paid roughly about \$750,000 and said we purchased two parcels, including one parcel that sits between US 441 and the runway but that parcel can't really be used for anything. He said we're doing some clean up and working with DEP on that parcel. He said that when we bought the property, we took on the fuel portion as well. He said as you know, the City does not have airport exports on staff and said we've had fuel sales and had to do approximately \$75,000 worth of renovations to the fuel island. He said it's been tough for us, not having that expertise and said that competing with all of the airports for fuel pricing is very critical and we tried to do the best we could with the HOA to try and give the best price we could. He said there was a lot of maintenance to both the building and the fuel and said we've struggled over the years, mostly because we didn't have the expertise or the staff to run an FBO. He gave a shout out to our fleet crew and said they have worked very hard for the last several years and have taken some training to educate themselves and have done a really good job. He said at the end of the day, we've put a lot of resources into it just to keep it up but said this fund is struggling, despite our efforts.

Mayor Nelson said that one of the things we're going to do is, once that parcel is cleaned up and we get final approval from DEP, we have an arrangement that we're going to swap that land for additional parking so this will provide dedicated parking on site.

Mayor Nelson said he thought everyone has had a chance to meet with some of the bidders by now and said he'll open it up to see what Council wants to do.

Commissioner Bankson asked if there are any presentations to which Mayor Nelson said no, we can do this without a presentation but opened it up to public comments.

Dave Croson, 1321 Apopka Airport Road, Apopka said he's on the HOA Board and read a memo from the HOA Board and provided copies for each.

Greg Kelsor, 1321 Apopka Airport Road, Apopka said he's pleased to begin the introduction of the XL4, LLC and provided an overview of their plan.

Michael Rodriguez, City Attorney, stated that he needed clarification on the speakers coming up and said that if they're one of the bidders that are essentially lobbying on behalf of the bid, he advised the Council to cease having additional lobbying and said that while the City has great discretion pursuant to the Florida Statutes when it comes to the disposal to its property, he said this is a matter where bids were submitted and there was a deadline for submittal and this becomes additional information outside of that and may present issues for other bidders. He said this matter is an action item and is not required

to be a public hearing but at this point, the matter is closed. He advised the Council to disclose if any ex-parte communications you've had with the bidders at this point as it falls outside of the procurement rules.

Commissioner Velazquez said she met with First Landings Aviation and XO4-United, LLC.

Commissioner Bankson said he met with First Landings Aviation; XO4-United, LLC and D & J Aviation.

Mayor Nelson said he had XO4-United, LLC and First Landings Aviation.

Commissioner Smith said he had XO4-United and First Landings Aviation.

Commissioner Becker said he met with First Landings Aviation and D & J Aviation.

Commissioner Velazquez stated that she was leaning more toward XO4-United as they are the shareholders and will work together with First Landings Aviation.

Commissioner Bankson said one of the key things is the long-term vision and said that we represent these holdings as the City of Apopka and said each of the bidders have expressed that the FBO services are their top priority. He said he asked the applicants what their concerns were and one was that the fuel is made accessible and affordable to all. He said there has to be a partnership regardless of what is decided.

Commissioner Smith said he also had a group of young men between the ages of 8 & 18 that we've taken to the airport on several occasions where they've gone up with the pilots and been given demonstrations on how to maintain aircraft. He said both presentations have a lot of merit and said as a former educator, he sees the advantages of what First Landings Aviation but said he sees merit in both.

Commissioner Becker said he felt that every applicant has come forth with the same guiding principals with what they want to do with the property. He said they want a good sound FBO with a location that can service people that come in and out of the airport and fuel sales that are competitive that attract people to come to the airport. He said was generally excited after meeting with First Landings Aviation. He said whoever wins the bid today, the fact that we had 5 bids, shows that there's compelling interest there and said that there's additional opportunity.

Mayor Nelson asked Commissioner Bankson to make a Motion to approve since he's the Pilot.

Commissioner Bankson said that with respect to all of the applicants, many of whom are friends, he felt that as we need to look at this as a whole and made a Motion to approve the First Landings Aviation.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve the bid from First Landings Aviation. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

RECOGNITION

Mayor Nelson said we have the 9th grade class from Apopka Christian Academy here today with their teacher, Melissa Serrone. He asked them to stand up to be recognized and thanked them for coming out and being a part of our City Council meeting.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2818 – First Reading – Comprehensive Plan – Large Scale Future Land Use Amendment
From: High Density Residential - 15 (Max. 15 DU/AC)
To: High Density Residential - 25 (Max. 25 DU/AC)
Owner: Francis X. Heidrich, Jr. and Cathy Tolbert Campbell
Applicant: First Team Commercial, LLC
Location: 2302 Ocoee-Apopka Road
Project: 21.59 +/- acres
Project Manager: Bobby Howell

Tad Dixon, President of First Team Commercial, the applicant, said we're here requesting an amendment to the Comprehensive Plan from

Tad Dixon said he's the applicant and said he's doing a change to the comprehensive plan from HDR-15 to HDR-25 and said that we pursued this project, having seen the City Council approve a change to the Comp Plan to allow certain parcels within the City limits or to make them eligible to apply for HDR-25. He said this site uniquely fits the higher density and said a portion of the site, approximately 6 acres is lake. He said the site location is in close proximity to the seven story Advent Health Hospital with a future grocery anchored shopping center planned on the other side of Ocoee Apopka Road. He said despite having a little higher density, we're maintaining no more than a 4-story building height which is customary in the City.

He said when we came before Council last time, we noted 2 concerns of Council. One was the road, which we heard raised earlier and the other was the schools. He said with respect to the roads, we're committed to working with the City to widen Ocoee Apopka Road. He said they understand that this project will help fund a traffic signal at Keene Road and at Harmon Road. He said that we're at the Comprehensive Plan portion of this project and will come before Council for a PD and said there will be opportunities to talk about project specifics and said he suspects that we won't formally approve the Comp

Plan Amendment until we're satisfied with the PD and we're okay with that. He said we're asking for Council to approve the concept of the project for purposes of the growth management plan so that it can be transmitted to the State. He said we hope to be in front of you in another 45-60 days with a specific plan where we can talk about details. He said this project passed capacity analysis for middle and high school and said elementary is at 30 seats short. He provided an explanation of what's causing Wheatley Elementary and said the current utilization is at 74%. Discussion ensued as to the current capacity and the issues with the roads.

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. 2818 at first reading and hold over for a second reading and adoption following transmission to the State DOE.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez, to approve Ordinance No. 2818 at first reading and hold over for a second reading and adoption. Motion carried with Mayor Nelson, and Commissioners Bankson, Smith and Velazquez voting in the affirmative and Commissioner Becker voting in the negative.

2. Ordinance No. 2819 – First Reading – Comprehensive Plan – Small Scale Future Land Use Amendment
From: Rural (County)
To: Low Density Residential (City)
Owner: Apopka Centerline Development, LLC
Applicant: VHB c/o Erika Hughes
Location: 1879 Boy Scout Road
Project: 9.487 +/- acres
Project Manager: Allyson Williams

Allyson Williams, Planner I, said this request is for a small-scale future land use amendment to change the future land use designation from County Rural to City Low Density Residential. She said the subject property is located at 1879 Boy Scout Road and was annexed into the City limits on January 20, 2021. This is a part of a larger Plan Development that is currently under staff review and said OCPS has indicated the capacity for the proposed development is not available at the elementary and high schools levels and is deficient at 4.5 seats at Apopka Elementary and 3.1 seats at Apopka High. She said staff as well as the applicant are available to answer any questions.

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. 2819 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve Ordinance No. 2819 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

3. Ordinance No. 2820 – First Reading – Change of Zoning

Owner/Applicant: Richard G. Harwood Jr.

Location: 424 E. Welch Road

Project: 4.4 +/- acres

Project Manager: Phil Martinez

Phil Martinez, Planner II, said that the applicant is proposing a rezoning from RSF-1A Residential Single-Family Estate District to RCE – Residential Country Estate District for approximately 4.4 acres. He said the property is located South of Welch Road and West of Ustler Road and said there are single family homes and nursery's in the surrounding area in addition to the Park View Wekiva subdivision to the North. He said the subject property has Residential Low Suburban Future Land Use which is compatible with the proposed RCE zoning. He said the applicant and he would be happy to address any questions.

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. 2820 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Velazquez, to approve Ordinance No. 2820 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

4. Ordinance No. 2822 – First Reading – Comprehensive Plan – Large Scale Future Land Use Amendment

From: Future Land Use in progress

To: Mixed-Use Interchange (5 DU/0.5 FAR)

Owner: Klepzig Family Trust, Klepzig Dennis R Life Estate, Klepzig Joann Life Estate

Applicant: Pulte Homes Company, LLC c/o Aaron Struckmeyer, P.E.

Location: 4140 Plymouth Sorrento Road

Project: 30.81 +/- acres

Project Manager: Jean Sanchez

Jean Sanchez, Planner II, said this is a request to amend the Future Land Use of 4140 Plymouth Sorrento Road and two other associated properties owned by the Klepzig

Family. She said the properties are located East of SR 429 and West of Plymouth Sorrento Road and is approximately 30.81 acres. The property is located within a 1-mile radius of SR 429 and Kelly Park Road. She said any portion of the property that is within a 1-mile radius is subject to the Kelly Park Interchange Form Based Code Standards. She said the proposed Mixed-Use FLU permits up to 5 dwelling units per acre and up to .5 FAR. She said in order to support the KPI Mixed-Use Zoning with neighborhood overlay district to meet the Form Based Code, the applicant is requesting to amend the FLU to Mixed-Use. She said the existing Zoning designation is Transitional and the applicant has also submitted a Zoning Amendment application accompanied by a Master Plan to meet the Form Based Code rezoning requirements and will be presented to the Council at a future date. She said DRC and Planning Commission recommend approval and authorize transmittal to the State DOE.

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. 2822 at first reading and hold over for a second reading and adoption, following transmittal to the State DOE.

MOTION by Commissioner Smith and seconded by Commissioner Bankson, to approve Ordinance No. 2822 at first reading and hold over for a second reading and adoption, following transmittal to the State DOE. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

5. Ordinance No. 2826 – First Reading – Amendment to the City's five-year capital improvements plan to add recreation improvement.

Presented by: Brian Forman

Brian Forman, Recreation Director, said this a procedural Amendment to satisfy the FDEP requirements regarding funds for the potential purchase of Camp Wewa. He said Planning Commission recommended approval.

Mayor Nelson said this is just a formality and is one of the things we have to do to prove that if we're able to purchase Camp Wewa, that we will take care of it.

Commissioner Velazquez inquired as to why we're adding something we don't own yet to which Mayor Nelson said this is a requirement to be able to apply for the \$1 million Grant from DEP.

Commissioner Becker said this is more of a roadmap and is not committal.

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. 2826 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. 2826 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

6. Ordinance No. 2827 – First Reading – Change of Zoning

Owner: FTI Funding, LLC

Applicant: KRPC Ponkan Road, LLC. c/o Appian Engineering, LLC

Location: 3515 and 3081 W. Ponkan Road

Project: 23.40 +/- acres

Project Manager: Bobby Howell

Bobby Howell, Planning Manager, said that this application is for a change in Zoning for properties located at 3515 and 3081 W. Ponkan Road. The properties are currently zoned AG (Agriculture) and the property has a future land use designation of Residential Very Low Suburban which allows a maximum density of 2 dwelling units per acre. The applicant is requesting a rezoning of the properties to RSF-1B (Residential Single-Family Large-Lot) to allow for the development of a 46-lot single-family residential subdivision. Minimum lot widths of 75-feet, lot area of 8,000 square feet, and minimum living area of 1,600 square feet are required in the RSF-1B zoning district. The proposed RSF-1B zoning is compatible with the surrounding area as the surrounding properties are primarily residential and agricultural in nature. The applicant has submitted a Major Development Plan detailing the construction of the proposed subdivision which is currently under staff review.

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. 2827 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Velazquez, to approve Ordinance No. 2827 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

7. Ordinance No. 2828 – First Reading – Change of Zoning

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 the property is located at 810 S. Binion Road and is zoned Transitional. He said the properties to the north and south include Residential Single Family 1-B and the surrounding properties are primarily residential in nature. He said the commercial parcel was approved for a change to low density residential at the March 17, 2021 meeting. He said the PD Master Plan/Major Development Plan proposes a residential subdivision consisting of 67 lots at a density of 2.16 dwelling units per acre. He said the PD calls for a net density that is approximately 70% less than what is allowed under the future land use designation, which is 3.5 dwelling units per acre. He said the proposed minimum living area is 1,800 square feet within the development. He said staff has worked with the applicant to get to an acceptable lot size. He said access to the site is proposed by a full access located on Lust and Binion Roads and the internal streets will be dedicated to the public. He said of the 30.92 acres, 12.51 are reserved for open space and 3.71 acres are reserved for recreational amenities, which include a 5' wide pedestrian trail, a tot lot, dog park and a soccer field. He said the applicant is requesting a rezoning of the property to Planned Development rather than a conventional zoning designation to allow protection of natural environmental features on the property including wetlands and karst areas that a conventional zoning district and development criteria does not permit. He said OCPS provided a report that indicates that capacity for the proposed development is not available at elementary school level and is deficient at 12.24 seats and the property is zoned for Apopka Elementary.

Commissioner Smith asked about the drawing the previous applicant presented where it showed Planned Development and inquired as to whether we have someone at the City tracking the OCPS deficiencies in the seats.

Bobby said when we look at capacity, there is capacity for zoning, future land use, and concurrency. He said concurrency is required at the platting stages. He said he is the liason to OCPS so he's the one that gets the data that shows how many seats are deficient. He said ultimately, it's OCPS that tracks who is using the capacity that they've allocated and the encumbrances.

Commissioner Becker said sure we still have recourse as a Council during the platting but it's kind of giving he developers a false promise and there has to be a happy balance to this.

Bobby said to his knowledge, Orange County is the only place in Florida that does capacity. He said everywhere else in Florida goes by concurrency, which is State law and has been since around 2005. He said, for example, at the concurrency stage, the developer who is ready to get their construction plans approved and go to plat, would turn in an application to OCPS and is told there are no available seats for their concurrency

and therefore they would have to mitigate. He said at that point, we would take that concurrency mitigation agreement to City Council. He said the mitigation agreement could be money, land for a school or any number of things. He said the capacity is an Orange County thing and only applies at rezoning and future land use but concurrency is at the development stage.

Jim Hitt said we have the in between area when things are approved and when the payment is going into the system. He said the fact is that the school board can't build new schools or add anything to it until they're over capacity and said it could be 120-125% over capacity. He said we're paying into the system so they can build schools so they can make it below capacity and said it's a backwards way of doing things but is the way it's currently done.

Mayor Nelson said interestingly enough, he was speaking with the Principal of Apopka High School, Mr. Hines, about capacity at Apopka and Wekiva High Schools and he indicated that Wekiva is only at about 70 or 80% capacity and Apopka is over capacity and said all we have to do is magically redraw the lines and we're both under capacity. He said they just need to say what the impact fee needs to be to build the schools and let us figure out if it makes sense for the developer, for us and for the surrounding areas to make the decision. He said over the next few years, the Legislature will solve this issue.

Rod Olsen, 3156 Rolling Hills Lane, Apopka said he appreciates the comments and the discussion with regard to OCPS and said we have to do something different and said that there are over 2,000 portables in Orange County. He said if you would have to add the three largest school districts to come up with 100 more than what we have and said we have to work with the State and we have to work with OCPS and quit pointing fingers.

Mayor Nelson asked Bobby to draft a letter on behalf of the Council, so we can go on the record to address the issues we've discussed regarding overcrowding; new schools, developments being held up. He said we'll bring it back to Council at our next meeting for approval before sending up the chain.

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. 2828 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Velazquez, to approve Ordinance No. 2828 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

8. Ordinance No. 2836 - First Reading - Establishing Chapter 2, Article VIII, Code of Ordinance, Code Enforcement.
Presented by: Michael Rodriguez

Michael Rodriguez, City Attorney, said that this Ordinance is part housekeeping and part updating our Code Enforcement Ordinance. He said one of the things that concerned him and drove for this amendment as our Code is currently constituted, the Code Enforcement Section was put in the Land Development Code and incorporated as part of enforcement and administration of the Land Development Code and made it unclear whether it actually applied to the Code itself, since many of our violations are located within the Code of Ordinances. He said this Ordinance moves this out of the administrative aspects of Code Enforcement over to the Chapter 2 of our Code of Ordinances, which is the administration portion of the Code. He said it is then referenced in the Land Development Code that enforcement of the Land Development Code will be done through Code Enforcement as provided for in Chapter 2 of the Code. He stated that the updated aspect of this is that since the City has now exceeded a population of 50,000, the State of Florida authorizes local governments that have that population, to increase the maximum fines that Code Enforcement can levy from the \$500 amount that's in Chapter 162 to \$1,000 per day for first violation; \$5,000 per day for repeat violations and up to \$15,000 per violation, if the violation is found to be irreparable or irreversible. He said an example of an irreparable violation would be certain environmental violations that can't be undone. He said that's the purpose of this Ordinance and makes it now consistent that Code Enforcement is the mechanism to enforce both our Code of Ordinances and our Land Development Code.

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. 2836 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. 2836 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

9. Resolution No. 2021-08 - Supporting Community Project Funding ("CPF") for Additional Water Storage Tank at Northwest Water Production Plant and Requesting U.S. Rep. Val Demings to Support City's Request for CPF Funding.
Presented by: Michael Rodriguez

Michael Rodriguez said last year, Congress approved the allowances of their members of Congress to include earmarks formerly called appropriation bills, now called Community Project Funding and said as part of the process to request such CPF of our local representative, the local government has to pass a resolution showing support for the project that they seek to request an allocation of funds from Congress. He said the reason for this resolution is for the Council to express their support for requesting funds for the

construction of the Additional Water Storage Tank at the Northwest Water Production Plant.

Mayor Nelson said just to give you a little context, she gets 10 per year and said that based upon how big the district is, we'll put one in in two different areas. He said both are needed and said if we get funding, that's great and if not, they're both in our 5-year Capital Plan.

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 Resolution No. 2021-08.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve Resolution No. 2021-08. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

10. Resolution No. 2021-09 - Supporting Community Project Funding ("CPF") for Construction of Additional Active Outdoor Recreation Facilities and Requesting U.S. Rep. Val Demings to Support City's Request for CPF Funding.
Presented by: Michael Rodriguez

Michael Rodriguez said this is similar to the previous resolution and is the request for CPF for expanded Outdoor Recreation Facilities within the City. He said we've provided our justification for the need for these additional facilities and said this resolution reflects the support of the local government.

Mayor Nelson said that these are supposed to be in by the 15th of April and said we just found out so we thought we'd get something in before we lose that opportunity and said he hopes everyone is okay with this.

Commissioner Becker asked if when we send this to our representative, do we give any cost guidance.

Michael spoke to the affirmative and said that this resolution is just one exhibit in the overall packet which evidences the support of our local government and requesting these funds.

Commissioner Velazquez asked where the expansion will be located and said she knows the City owns the property over the wall of Rock Springs Ridge and where we took all the trees down and everyone is asking her what we're doing there and asked if that is where they're doing the expansion to which Michael deferred to the Recreation Director for the location.

Brian Forman, Recreation Director asked if she's talking about the area between Brush Drive and the Fire Station to which Commissioner Velazquez stated yes. Brian said we were looking at the accessible playground for that area and will be low impact.

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 Resolution No. 2021-09.

MOTION by Commissioner Becker and seconded by Commissioner Bankson, to approve Resolution No. 2021-09. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

11. Resolution No. 2021-10 - FY20/21 Budget Amendment
Presented by: Gladymir Ortega

Gladymir Ortega, Finance Director, said this is a request for Council to approve a budget amendment in the amount of \$202,733. She said the exhibit provides the three items covered by this resolution, including changes in revenues and appropriations for the final payment of Section 6 of the Marden Road Interchange Cost Sharing Agreement; funding and appropriations for the Advent Health Apopka Partnership proposal & the amendment that includes changes in revenues and appropriations related to the City and the SJRW

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 Resolution No. 2021-10.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve Resolution No. 2021-10. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez said she's still enjoying Saturday Sounds and continues to promote it.

Commissioner Bankson said the discussion was really good on the school concurrency issue and is glad we're putting a statement together. He asked if we could go further than that and get information on is this at the State level or if it's Orange County or is it both. He said he wants to make sure we get this to the right hands.

Mayor Nelson said State is trumping local and they thought they trumped them last year until Orange County did a work around. He said he would be surprised if they don't have another fix in the Session we're currently in, but that's yet to be seen.

CITY ADMINISTRATOR REPORT

Edward Bass, City Administrator said our sales tax numbers for this month almost mirror exactly the month before and said our sales tax for this month were \$696,000. He said this is still a 27% decrease over the prior year and said that overall, if you annualize this out, it's about a 7.9% reduction in our current budget. He said we're starting to come to that comparison where in 2020, the Covid numbers actually hit so it'll be interesting to see how we compare to that time as we move through this each month.

He said on another matter, we had 4 inmate crews and went down to 2 in our last budget and we're hearing from DOC that we're going to lose them for a 12-week period or longer, due to staffing issues. He said we'll take the dollars we had budgeted for that and use them if we need them for temporary labor. He said as we move through our budget process, we will bring these items forward to you.

He said the shingles for the City Hall roof have been on backorder due to Covid, but said the plan is to have the new roof put on City Hall beginning in May and fix the corners around the top, where the damage as well as put in the gutters.

CITY ATTORNEY'S REPORT

Michael Rodriguez said he had nothing additional to report.

MAYOR'S REPORT

Mayor Nelson said the piece of black plastic before you are the liner for the pond at Golden Gem. He said when we had the opportunity to put in this pond with help from the SJRWMD, we had 2 options and said one option was a thinner plastic with 2' of filler over the top of it; or a thicker plastic with no additional filler over the top. He said this will give us more water capacity so we're going to be north of 350 million gallons of storage and will go a long way toward meeting our water needs as far as irrigation goes. He said if you get a chance to go out and see it, it's pretty impressive.

He said there's a manufacturing company out of Texas and they gave us a code name and ours would be Project Mockingbird. He said if we were to be selected, it would be up to 500 jobs as well as \$100,000 of investment and said they're looking at our site out at the airport. He said hopefully the numbers work out and we're selected. He provided an update on where we stand on vaccinations and said the second vaccination is for those who got the first one at the VFW in Apopka are scheduled for tomorrow, Thursday, April 8th so if you haven't already called in to schedule, please do so.

He said the BBQ Competition/ Hometown Showcase is coming up this weekend. He said we have over 70 teams now and Friday night they'll be doing a Wing Competition; on Saturday, we have the BBQ Competition and Peoples Choice. He said we have Baily Callahan as our headliner; the Chad Crib Band; Johnny & the Moon Dogs; Bobby Sanders and special guest, Jeremias Williams singing. He said we'll also have ax throwing; corn hole tournament by the Elks; merchandise; t-shirts; local beer and wine vendors and special brew from Three Odd Guys. He thanked our sponsors: Dan Newlin Injury; Sonny's Bar-b-que; Mullinax Ford; Waste Management; Liner Patch; Nelson's Tents & Events; Hilton Garden Inn; 103.1 the Wolf and Apopka Elks Lodge as well as the Florida Barbeque Association. He said we'll start the music at 3:00 p.m. and Fireworks should begin around 8:20 p.m.

The Rotary Fair begins tomorrow at Kit Land Nelson Park and said it runs through Sunday and should be a great time and the proceeds go to the community.

He thanked everyone for donating to Jeans Wednesday and helping out Lynn Collette in Finance who is facing some tough challenges as far as cancer.

He said Officer Quinton Nedd made his way to Tallahassee and was on the floor of the House of Representatives. He said he would've loved to have gone but the protocols they put you through made it difficult. He said he was our Officer of the year and for him to be on the house floor and he had a great time and represented Apopka well.

He gave a big shout out to Rob Hippler and Bob Shelton for coming in last night at midnight as our system went down so they were here making sure everything was running.

He read a letter addressed to Scott Adams, Building Official, from the Conlan Company, responsible for building the DFL5-Amazon Project, expressing their sincere gratitude to him and all of the City's personnel of the numerous departments they encountered and said he can't express enough how refreshing it is to work with exceptional individuals and municipalities that truly understand the construction processes and support the timing of seemingly impossible build schedules that we strive to maintain.

ADJOURNMENT - There being no further business the meeting adjourned at 3:20:p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk