CITY OF APOPKA MINUTES
Minutes of the City Council Meeting held on December 7, 2022 at 1:30 PM, in the City of Apopka Council Chambers.

Present:
- Mayor Bryan Nelson
- Commissioner Kyle Becker
- Commissioner Nick Nesta
- Commissioner Alexander Smith
- Commissioner Diane Velazquez
- City Administrator, Edward Bass
- City Attorney, Michael Rodriguez

Press Present – None

INVOCATION & PLEDGE OF ALLEGIANCE:

Commissioner Smith provided the Invocation and led in the Pledge of Allegiance. He then provided the fact of the day, as follows: On December 7, 1941, the Japanese bombed Pearl Harbor. Much of the Pacific fleet was rendered useless: Five of eight battleships, three destroyers, and seven other ships were sunk or severely damaged, and more than 200 aircraft were destroyed. Over 2,400 Americans were killed and 1,200 were wounded, many while valiantly attempting to stop the attack. The day after Pearl Harbor was bombed, President Roosevelt appeared before a joint session of Congress and declared, “Yesterday, December 7, 1941–a date which will live in infamy–the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan.” After a brief and forceful speech, he asked Congress to approve a resolution recognizing the state of war between the United States and Japan. Thus, began the United States’ involvement in World War II.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of November 16, 2022.
2. Council Workshop Meeting Minutes of November 29, 2022.

   a. **Mayor Nelson** asked if everyone has had a chance to review and whether anyone had any changes or additions.
   b. Hearing none, he asked for a motion to approve the meeting minutes of November 16, 2022 and the Council Workshop Meeting Minutes of November 29, 2022.

c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Nesta** to approve the meeting minutes of November 16, 2022 and the Council Workshop Meeting Minutes of November 29, 2022.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

PRESENTATION

1. Best Foot Forward Program Annual Update
   Presented by: Emily Hanna, Executive Director

   Mayor Nelson stated that this presentation will be canceled tonight and possibly given at a meeting in January.

2. Apopka Museum Addition Assessment
   Presented by: Radley Williams & Deodat Budhu

   Radley Williams, Parks and Recreation Director, stated that they have just taken additional steps, within the Public Services Department, to start exploring the design phase on this. The building is approximately 4,200sq ft, where 3,200 of that is air condition space and a little over 1,000sq ft is the porch area. It is a wood log cabin like structure with multiple open spaces and half walls dividing the museum, that do not reach the ceilings. It also has restrooms facilities and a small kitchen area. The proposed expansion will be to the east side of the building to accommodate additional exhibit space, anywhere from 15-20ft pushed out. We have begun work with a City contractor, architect, Borrelli and Partners, and began discussion about the design proposal. They have done two walkthroughs with our staff; during those walkthroughs they came back with issues they saw and are concerned about: 1) Evidence of rot to the west side of the building, 2) Lack of support beams in the corners, 3) Splitting occurring in the beams and the log cabin wall structures, and 4) Numerous areas that would need to be updated to current building code. The scope of the project would open he building would have to go through all the code upgrades to the current code and some of those would include: wind loads, energy code, ADA accessibility, increase in restrooms, and either removing the kitchen stove or adding a commercial hood to that area. Based off those findings, they are recommending that a complete building assessment is done prior to any design work. This would help examine the structural integrity of the building, identify code compliance issues, the architectural condition of the building, the condition of the HVAC electrical plumbing and code compliance, again. The site immediately surrounding the building, they will examine that area to see if there is a need for any additional water retention and runoff. They will also check the building envelop and roofing. This assessment proposal came back between $36,000 and $37,000, so the next steps would be, if we are going to continue with the museum addition, we would recommend that this assessment be completed first. We do not have funding for this right now, so if we do proceed, we would have to come back for a budget amendment.

Commissioner Velazquez asked when the building was originally constricted and the response was that the plans began in 1996 and the building was built in 2004. **Commissioner Velazquez** asked if it has a fire or alarms and **Radley Williams** stated that it does have monitoring for the HVAC systems, but that is something that would need to be checked. The assessment will help identify all the deficiencies, that may be there. **Commissioner Velazquez** asked if this is something we can do in-house and **Radley Williams** responded no, we would have to have a contractor do it for us. **Commissioner Velazquez** asked, what is it that we are trying to do to the building, besides bring it up to code and **Radley Williams** stated that the original project was to expand the building to the east side, to provide for more museum space and rotating exhibits. When that process starts there is a certain percentage of the building, when doing construction or renovating, if you go over that threshold you must then elevate the building to the current building code. The architects feel that we would hit that threshold.

Commissioner Smith stated that he is in favor of moving forward with the assessment.

Commissioner Nesta questioned if it was $37,000 just to assess. **Radley Williams** stated that is correct; it is to assess the existing condition of the building, structural analysis, and the surrounding footprint of the building to see if it can accommodate the building addition or if there are other steps that need to be taken. **Commissioner Nesta** then asked how many square feet is the goal for expansion and **Mr. Williams** stated at least 15 to 20ft (300sq ft). **Mayor Nesta** asked how much money do we have in the account between the museum and the City. **Edward Bass**, **City Administrator,** stated that he thinks around $120,000, but he cannot speak for the museum.

Mable, on behalf of the Museum, stated that she is excited that we are moving forward with this project that is long overdue. She stated that this expansion is necessary. She is in favor of the proposal.

Mayor Nelson asked if the commission was in favor of moving forward with the assessment and **all council members** agreed.

AGENDA REVIEW

Edward Bass stated that staff would like to move Resolution 2022-53 (item number 10, under Public Hearing) to the first item. **Mayor Nelson** asked if it can be moved up before the business items and **all council members** agreed.

PUBLIC COMMENT PERIOD

Dennis New, 105 W. Magnolia Street, stated that he believes it is time for a Charter review. He believes that the Mayor and City Administrator structure is not working. He also expressed his concern of the 'many failures' within the City, which included dilapidate city-owned buildings and the use and distribution of City funds. ***A copy of Mr. New's presentation shown, is available upon request.***

Shaunte Jemison, Reimagine Communities, 1186 Tallow Road, stated that they came to the council a few months ago about their reading and literacy, so she is here with an update on the program and things they have been doing in the community. She stated that they have had four (4) sold out events, within the community. ***A copy of Ms. Jamison's presentation shown, is available upon request.***

Albert Mckimmie, 2603 Golden Gem Road, stated that at the last census there were about 55,000 residents within the City of the Apopka. He asked since that census, how many homes have been built, in construction, or going through the approval process. **Mayor Nelson** stated that he will get him the answer within a week or so. **Commissioner Becker** stated that census data allows us to see what actual households are on the system within the City; the last update we received stated that, as of March 2022 there were 9,900 dwelling units that were within the backlog. He stated that the Building Department would have to answer the question of how those 9,900 dwelling units turn into habitable occupancies. He understands that on max years, we are probably around 500 per year. **James Hitt, Community Development Director** stated that the 9,900 is probably coming within the next three to five years; we get about 500-600 residential units per year, and we have about 12-13,000 existing right now.

Gregory Griffith, 2428 Wyndham Bay Place, asked what is going to be done, in regards to Clear Lake Estates, and when, sine the meeting has been postponed until January 2023. **Mayor Nelson** stated that we first must have the meeting, then we will have thoughts and suggestions on how to move forward. We are waiting for St. Johns to confirm calendar dates.

Sylvester Hall, 3091 Rolling Hills Lane, apologized for raising his voice at the South Apopka Annexation Workshop. He stated that it was very hard to take in everything without being frustrated. He challenged the Council to do another workshop to see how South Apopka ended up in the condition that it is currently in. He went on to state that annexing in South Apopka is the moral thing to do and it should be done without any cost to the residents of South Apopka.

Malcom David, 13 W. Sandpiper Street, stated that he has already emailed the council on why he is here. His house burned down and he is being charged $760,000 in a Code Enforcement Lien. **Mayor Nelson** stated that they are always willing to settle a Code Enforcement Violation; and the appropriate people are willing to negotiate, if he is. **Mr. David** stated that due to certain circumstances, he does not feel that he should have to pay that kind of money, for this. **Mayor Nelson** stated 'agreed' and told Mr. Williams to speak to Code Enforcement to see if they can come up with a solution.

CONSENT (Action Item)

1. Execute release of Code Enforcement Lien - 488 East Main Street Apopka, FL.
2. Approve the Kelly Park Crossings - Plat
3. Authorize the Police Chief to sign and accept the FDOT Enforcement of Speeding and Aggressive Driving Grant.
4. Authorize the Police Chief to sign and accept the FDOT Enforcement of Distracted Driving Grant.

   a. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.
   b. Hearing no additional questions, he asked for a motion to approve the four (4) items on Consent.
   c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve the four (4) items on Consent.
   d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

PUBLIC HEARING ITEM

1. Resolution No. 2022-53 - Creating the Summit Ridge Street Lighting Special Assessment District.
   Presented by: Chuck Vavrek

   Chuck Vavrek, Special Assessments, stated this resolution is to create the Center Ridge street lighting special assessment district, for street lighting services dealing with that development, located on N. Main.

   Commissioner Nesta asked if we knew how many knows will be in this new development and **Mr. Vavrek** stated that he believes 16 to 20.

   a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
   b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-53.
   c. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve Resolution No. 2022-53.
   d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

1. Ponkan Pines Subdivision - Major Development Plan
   Owner(s): Roseville Farms, LLC and Rosevilla Farms, LC
   Applicant: Daly Design Group c/o Thomas Daly
   Location: Northeast corner of Ponkan Road and Ponkan Pines Road
   Tract Size: 31.5 +/- acres
   Proposed Use: Residential Subdivision with 61 lots
   Density: 1.9 dwelling units per acre
   Project Manager: Jean Sanchez

   Jean Sanchez, Project Manager, stated that this property is approximately 31 acres, located on the Northeast corner of Ponkan Road and Ponkan Pines Road. the Ponkan Pines Subdivision – Major Development Plan proposes the development of a 61-lot subdivision consisting of single-family detached residences. The proposed typical lot width is 80-feet and each unit will have a minimum living area of 1600 square feet. 38 The applicant proposes an amenity/open space package that consists of 22% of the project area, including both passive and active recreation such as walking trails, sports fields, playground, and picnic areas. Open space, amenities and stormwater areas are located on the southern portion of the site, adjacent to Ponkan Road. Access to the development is proposed on Ponkan Pines Road and emergency access is provided adjacent to Ponkan Road. The DRC recommends approval and at its 11/08/2022 Planning Commission Meeting, that commission unanimously recommended approval of the Major Development Plan. The recommended motion is to approve the Ponkan Plans Subdivision Major Development Plan; staff and applicant are available for questions.

   Commissioner Velazquez asked for clarity for the curvature of this road, to address a resident concern.
   Pam Richmond, Transportation Coordinator, stated that the curve is going to stay, but that is an emergency only access. It will be gated, it will be a stabilized surface, and there will no other connectivity.

   Commissioner Becker stated that on the one plan we spoke about the bike rack at the end of the cul-de-sac, but kids will take the path of least resistance to school and if they see that there for emergency purposes, he would like to make sure if they do that, it is a safe environment for them to get down to Ponkan to walk to school. Jean Sanchez stated that the emergency access will have an unlocks box that only police and fire can access. **Commissioner Becker** asked how high of a fence will it be and **Jean Sanchez** stated that the maximum will be six feet.

   Tina D., on behalf of MI Homes, stated that the access will be fire department only, but they are planning for a pedestrian access near that point, but it will be a separate pedestrian only, walking access.

Jimmy P., on behalf of Appian Engineering, stated that along their entire southern property boundary, they are installing a 10-foot walking trial. The main purpose is for the school walking trips. The walking trail will be lit, as well.

Dennis New, 105 W. Magnolia Street, stated that his biggest concern is if there a plan by the city, county, or state to improve any of the roads out here. He stated that the roads are becoming more and more congested. He also stated that this development only has one access and egress point, besides the emergency one.
Commissioner Becker stated that he believes that the council can collectively state that the number one concern is transportation. When you look at our comprehensive plan, it is significantly out of date. Jim Hitt has stated that we will be addressing the Comp. Plan soon; however, that should be prioritized first, just because of the rapid growth that we are in. We also do not have a master traffic plan, which is a part of that element and it needs to get accelerated.
Commissioner Velazquez asked if something is given to one commissioner, can it please be sent, individually to each commissioner.
Mayor Nelson asked for the time line for East Central Florida Regional Planning Council and **Jim Hitt, Community Development Director,** stated that every element, especially transportation and future land use, relies on the statistical information provided in the population estimations and those were delayed getting out. Those will not be coming out until probably January 2023. His original thought is that it would get adopted in January.
Mayor Nelson stated that they have done a nice job for a very little amount of money; we got a great deal. He also stated that it is great for checks and balances, to have another set of eyes. **Jim Hitt** stated that this is running at about $80,00 for us to do, if we looked at another contactor to do this, it would end up being about two to three times that. This is the agency that does the review for the State, for Comprehensive Plans.

Pam Richmond stated that she has a different pot of money to do the transportation and for the element update, she has been waiting on the data analysis; however, she is prepared to go forward, so that council can get some questions answered. Some things will not change, but we need to make sure our data analysis syncs with there. If she must move forward and do her own, she is prepared to do that. She stated that her funding is coming from Metro Plan and if need be she will approach the council with a request for more funding.

Albert Mckimmie, stated that road models are based on the fact that the City planners are aware of what the road consist of. He stated that he has no faith, based on the lack of knowledge of the planning department, that those roads are any good.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve the Ponkan Pines Subdivision – Major Development Plan.
c. Motion by **Commissioner Becker** and seconded by **Commissioner Nesta** to approve the Ponkan Pines Subdivision – Major Development Plan.

d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

2. The Ridge Parcel 6 - Major Development Plan
Owner(s): Apopka Centerline Development, LLC
Applicant: Vanasse Hangen Brustlin, Inc. c/o John Prowell, P.E.
Location: Southeast corner of Boy Scout Road and Binion Road
Tract Size: 28.9 +/- acres
Proposed Use: Multi-family development of 304 dwelling units and future commercial uses
Density: 10.5 dwelling units per acre
Project Manager: Jean Sanchez

Jean Sanchez, Project Manager, stated The Ridge Parcel 6 is located on the southeast corner of Boy Scout Road and Binion Road and it is the southern portion of the established Planned Development (PD) known as The Ridge PD. The applicant has submitted a Major Development Plan for consideration which details the development of multi-family and commercial uses. Development is subject to the standards and conditions set forth in PD Ordinance No. 2938 which was adopted on July 27, 2022. The Major Development Plan proposes an apartment complex with 304 dwelling units and a commercial outparcel. The apartment complex is located on Parcel 6A, west adjacent of the proposed Bronson Lake Drive. The applicant is proposing 64 one-bedroom units, 208 two-bedroom units and 32 three-bedroom units. Parcel 6B is the location of the stormwater tract and future commercial development is on 10.7 acres on Parcel 6C. For the multi-family portion, the MDP depicts a total area of 2.8 acres of open space and amenity areas. The amenity/open space program includes pool, clubhouse and recreation areas on the south of the Parcel 6A. Additional amenities are also planned for the entire PD development on Parcel 8, as approved on the PD Master Plan. The proposed access points for Parcel 6A, the multi-family development, are on Boy Scout Road and Bronson Lake Drive. The commercial portion will undergo a separate development review process. At such time, cross access connection will be required. The DRC recommends approval and at its 11/08/2022 Planning Commission Meeting, that commission unanimously recommended approval of the Ridge Parcel – 6 Major Development Plan. The recommended motion is to approve the Ridge Parcel – 6 Major Development Plan; staff and applicant are available for questions.

Commissioner Nesta questioned if they are building Bronson Lake Drive first or are they using Boy Scout Road predominately?
John Prowell, with VHB, stated that Bronson Lake Drive is currently under construction.

Dennis New, 105 W. Magnolia Street, stated that again, we are going to put another apartment complex on two two-lane road, that is now serving all the Clear Lake Area, the Avion Point, Clear Lake Estates, everything from Camp Wewa north. They are wanting to request density changes. He asked if there is a plan for infrastructure in our roadways.
Commissioner Becker asked Pam Richmond does she have a plan of what she wants to get done. **Pam Richmond** stated that we are completing the study of the northern end of

Ocoee Apopka Road to widen it, from Harmon Road north. Design will start right after the first of the year. As soon as we have enough money, we will widen that piece; the same thing is going on at the southern end. On Binion, within about two years, you will start seeing construction on a new interchange that will directly load people directly off and on State Road 429. Between us and the Ridge Developer, we are acquiring most of the right-of-way that is needed for that, as well as the right-of-way that's needed on Ocoee Apopka Road. Most of it is a donation, from the Ridge. It is a true donation, we are not reimbursing them with impact fees or otherwise. It will take a solid year to design it, it took a solid year to do the study. We have agreements in place, for everything.

Commissioner Becker asked the applicant if they are just reserving it for commercial and **the applicant** responded that they are working through the second half of parcel 6 and should be submitted a major development plan soon, with a potential site plan, but he has nothing that can be disclosed right now.
Commissioner Smith thanked Pam Richmond and the developers for their efforts. He noticed that they have already began the work at the end of Boy Scott and Ocoee Apopka Road, that is desperately needed.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked approve the Ridge Parcel 6 – Major Development Plan.
c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Smith** to approve the Ridge Parcel 6 – Major Development Plan.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

3. Winding Meadows North - Major Development Plan
Owner: PM S-1 REO, LLC
Applicant: Pulte Home Company, LLC
Location: East of State Road 429, West of Plymouth Sorrento Road, and South of Kelly Park Road
Project: 23.68 +/- acre; 85 Single-Family residences
Project Manager: Roxann Read

Roxann Read, Planning Manager stated that the project and request is to approve the Winding Meadows North – Major Development Plan. The future land use is mixed use and the existing use is vacant land. The tract size is 23.68 acres and they are proposing 3.78 dwelling units per acre and 85 single-family residences. The residential units will have a minimum lot width of 34 ft. rear loaded and 55 ft. front loaded. This development is within the one-mile radius of the interchange of Wekiva Parkway and Kelly Park Road. A requirement of 20% of land open space and the applicant is proposing an amenity open space package, that consist of 20.94% of the project area. The amenities include an 8ft wide multi-purpose trail, from the southern in of the subdivision to promote connectivity between the developments, a 5ft wide recreation trail around the stormwater ponds, and a tot lot pocket park. The DRC finds this major development plan consistent with the Comp.

Plan a Land Development Code. At the 11/08/2022 Planning Commission Meeting, the Commission unanimously recommended approval. The recommendation is the approve the Winding Meadows North – Major Development Plan.

Dennis New, 105 W Magnolia, stated that again, we are dumping on to two-lane roads. There is a proposed phase 2 and an exit road that is going to somewhere: Do they own that property? He stated that we need to get a plan together to address and fix the infrastructure within the City.
Commissioner Nesta stated that there is ownership to the west, it is Kelly Park Crossing. They will be creating more connectivity all the way over to Golden Gem, which will connect over to Saddler, which will then connect to 441. Then, Effie will go all the way north, as well. He went on to state that they absolutely understand the concerns that are being bought up, but in this specific area, there is a plan.

Luke Clossan, with Appian Engineering, stated that there is a plan. Pam Richmond has diligently worked to ask for additional right-of-way, so they have proposed right-of-way of 66 feet which aligns with the overpass on 429, which does extend over to west, connects to Saddler which will connect to Golden Gem. Eventually Joey McGuckin, which it will align with will go all the way to Plymouth Sorrento, so you will have an east-west connector. In addition to that, Pam has already worked with Orange County, ourselves, and Laurel Oaks, so now you will have a road going from Appy Lane up to the north, about three-quarters of the way, up to the Publix intersection at Kelly Park.

Commissioner Becker stated that he does not dispute what Mr. New is saying, at all. He went on to state that it would be advantageous for staff to get in front of a comment like that. The public does not have transparency and access to the full agenda, that we have. He went on to state that understanding capacity on the roadways is important. He asked what is the capacity of Plymouth Sorrento. **Luke Clossan** then stated that Plymouth Sorrento, is the interim, until you get the north-south connector and east-west connector. During the initial phases of Winding Meadows, phases 1 and 2, the turn lanes were sized for phases 1, 2, and 3.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve the Winding Meadows North – Major Development Plan.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve the Winding Meadows North – Major Development Plan.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

4. Approve Second Amendment to the Amended and Restated Development Agreement for Oak Pointe

Applicant: Evans Engineering, Inc. c/o David Evans, P.E.
Location: North of McCormick Road, east of SR 429 and southeast of Ocoee-Apopka Road
Tract: 69.38 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez stated that this amendment to the DA specifically refers to the portion of the Oak Pointe Development called Oak Point South, located North of McCormick Road, east of SR 429 and southeast of Ocoee Apopka Road. On April 18, 2018, the City approved an amendment to the initial Oak Pointe – Development Agreement that included two developments consisting of Oak Pointe North, which is being developed with multi-family and commercial uses, and Oak Pointe South, which is being developed with single-family residential and townhome uses. On March 3, 2021, the First Amendment to the Development Agreement was approved to remove the Oak Pointe North portion from the overall Oak Pointe Development, which leaves Oak Pointe South on this Development Agreement. The applicant is requesting the City Council approve the proposed second amendment to the Oak Pointe – Development Agreement that proposes the following, concerning 67 lots an amenity on the southeast side of the project. The DRC recommends approval and the recommended motion is to approve the Second Amendment to the Amended and Restated Development Agreement for Oak Pointe; staff and applicant are available for questions.

Commissioner Becker asked what is being approved and **Jean Sanchez** stated that Oak Pointe is asking for an early release. As required in the agreement they have meet all the utility and infrastructure agreements, before they can move forward with constructing the 67 lots and the amenity center, for Oak Pointe South.

Dennis New, 105 W Magnolia Street stated that this development will be one with one entrance and exit. The City has denied many other developments with only one way in and one way out access points. He stated that it is time to get the plan in place, to bring the road infrastructure up to par, before we continue to approve housing developments.
Commissioner Nesta stated that we do have a policy in place where after a certain amount a unit, it does have to have a second access point.
James Hitt stated that we do have a code in our Land Development Code that states anything with 25-100 units has to have emergency access, for emergency vehicles. When we get to 150 units it requires a second access point, when you reach 500 units you must have three access points and those are full access points, not just emergency.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked to approve the Oak Pointe – Second Amendment to the Development Agreement.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve the Oak Pointe – Second Amendment to the Development Agreement.

d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

5. Approve the Second Amendment to Transportation Impact Fee Agreement for Kelly Park Apopka Project
Presented by: Pam Richmond

Pam Richmond stated that this is the 200+ acre development on the north side on Kelly Park Road and west of Golden Gem. The original development agreement stated that by a certain point, they had to have a transportation agreement in place, so we bought the first amendment to defer that to a little later in the process. Since the original agreement, three other large developments have come in, so since that agreement, we are amending this agreement, changing the requirements. The major change is that instead of designing and constructing the segment of Kelly Park road from two-lanes to four-lanes from just west of there entrance, which is about 1,000ft west of Golden Gym Road, to Plymouth Sorrento. They are only going to design that. Their other requirements remain.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve the Second Amendment to Transportation Impact Fee Agreement for Kelly Park Apopka Project.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve the Second Amendment to Transportation Impact Fee Agreement for Kelly Park Apopka Project.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

6. Approve the Addison Farms Apartments Transportation Impact Fee Credit Agreement
Presented by: Pam Richmond

Pam Richmond stated that Addison Farms is an apartment complex that is being constructed on the southwest corner of Ocoee Apopka Road and Hooper Farms Road. When this project began we discusses some improvements that we would like to see out there. They are already under construction and have already paid their impact fees, so we need to reimburse them.

Commissioner Nesta asked if we fixed the water runoff issues on this site and **Richard Earp, City Engineer,** stated that yes, this issue was resolved immediately and has been kept from being a further problem.

Commissioner Becker asked for confirmation on this item, stating that all the improvements that all the improvements that were expected to come, as a result of this project, are complete or are in the process and we are returning our proportionate share of the impact and **Pam Richmond** stated correct, this is just for that turn lane on Harmon.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve the Addison Farms Transportation Impact Fee Credit Agreement.
c. Motion by **Commissioner Becker** and seconded by **Commissioner Smith** to approve the Addison Farms Transportation Impact Fee Credit Agreement.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

7. Approve the Memorandum of Understanding with Orange County for the Lake Apopka Connector Trail
Presented by: Pam Richmond

Pam Richmond stated that this request for a MOU came from Orange County; they are building the Lake Apopka Connector Trail. The City gave impact fees to the Oak Pointe North and South, a portion of that trail comes up through that development, across Ocoee Apopka Road, down Ocoee Apopka Road, under the toll road, back up Binion Road, and to Magnolia Park. This agreement is so that Orange County, their contractors and consultants can come on our right of way, at any time. The main right-of way in question here, is that we own the right-of-way under the 429 bridge. This is standard operating procedure for Orange County, but Pam stated that she added that they can only come on out property with a permit; this is only to protect us.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve the Memorandum of Understanding with Orange County for the Lake Apopka Connector Trail.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve the Memorandum of Understanding with Orange County for the Lake Apopka Connector Trail.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

8. Authorize additional funding for King Street and Peterson Road Improvements.
Presented by: Pam Richmond

Pam Richmond stated that we entered into a tri-party agreement with the developers that are doing the industrial project on the north side of Peterson and then the developers doing the residential development on the south side of Peterson, to pay their impact fees in advance, so that we could bring Peterson Road and King Street up to City standards. She is asking the council to allow us to fix the road the way it needs to be fixed. She will have to dip into the transportation impact fee reserves; however, she does not expect to spend all the money she is asking for. Per the agreement, we are required to have a 15% contingency, which represents about $200,00 of the total she is asking for.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve the use of Reserve Transportation Impact Fees in the amount of $565,456.00.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve the use of Reserve Transportation Impact Fees in the amount of $565,456.00.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

9. Authorize the Mayor to purchase 4,000 Sq. Feet of Real Property to be dedicated as public right of way for improvements to Mt. Stirling Avenue.
   Presented by: Vladimir Simonovski

   Vladimir Simonovski, Public Services Department, stated that this is a request to approve the contract to purchase parcel ID: 20-20-28-3465-00-005, which is 4,000 square feet of real property. The address is 758 Rominger Loop, Apopka, FL 32703. Mt. Stirling Avenue, a City owned and maintained road located at the south section of Rock Springs Ridge, currently dead ends and represents a challenge for public safety, sanitation, and landscape maintenance vehicles to turn around. The City plans to improve the end section of the road by converting it into a Cul-de-Sac. To accomplish this, the City needs 40-feet by 100-feet tract of land of the southeast corner of Hamrick Estates, owned by Wekiwa Pointe, LLC, to be dedicated for a public right-of-way. On August 9, 2022, Gardner Consulting Services released an Appraisal Report of a 4,000 square foot tract of land, as a potential taking from a larger parent parcel. This report evaluated the subject tract of land via the Sales Comparison Approach and determined a value of $14,700. The Appraisal Report was to be used as a foundation for the property acquisition pending the City Council approval of the Second Amendment to the Land Development Agreement which addresses the utility impact fee credits for the revised utilities connection points along Mt. Stirling Avenue. City Council approved the Second Amendment to Amended and Restated Land Development Agreement for Hamrick Property Future Land Use Amendment – Ordinance No. 2690 on November 2, 2022. Following the acquisition of the requested tract of land from Wekiwa Pointe, LLC, the City will proceed with the construction of the Mt. Stirling Avenue cul-de-sac. Staff estimated construction of this road segment to cost approximately $50,000. This project will be funded by Transportation Impact Fees and its funding will be presented to City Council for approval as part of Resolution Number 2022-54.

Commissioner Nesta asked if we are doing a sidewalk around this Cul-de-Sac and **Vladimir Simonovski** stated yes.

Commissioner Smith asked if there is a reason the Cul-de-Sac is not going all the way to the end of the dead in and Vladimir Simonovski stated that that section was recently added for the emergency vehicles to make the turns, but that did not work out well. **Mayor Nelson** stated that originally the Rock Springs residents said that they did not want it, so that is why we are having to purchase property, to get utilities to that property, but we are shutting the road off so there is no access to point for Rock Springs Ridge, for Mt. Stirling to complete to Pittman Road, out to Ponkan. **Vladimir Simonovski** stated that this is a preliminary design that was created for presentation services, to show what we anticipate to do. **Commissioner Smith** stated that he would like it to go all the way to the end of the road. **Commissioner Nesta** stated that he was under the understanding that there is supposed to be a 100ft buffer between the two subdivisions, so we are cutting into that; although there is not a landscape buffer there, there was supposed to be that buffer. He wants to make sure we are not making a precedent of this.

Sylvester Hall, 3091 Rolling Hills Lane, stated that he has too gone down this road and had to turn around in the sand. He asked for clarification that this is Cul-de-Sac is only being done to prevent having to turn around in the sand or in someone's driveway.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to authorize the Mayor to execute the Contract for Purchase of 4,000 Square Foot of Real Property, to be dedicated as public right-of-way, for improvements to Mt. Stirling Ave.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Velazquez** to authorize the Mayor to execute the Contract for Purchase of 4,000 Square Foot of Real Property, to be dedicated as public right-of-way, for improvements to Mt. Stirling Ave.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No 2975 - Second Reading - Change of Zoning – Avian Pointe PD Amendment
   Owner(s): Apopka Clear Lake Investments, LLC c/o Frank Bombeeck
   Applicant: NV5, Inc c/o Jason Mahoney, P.E.
   Location: South of Peterson Road, north of Lust Road and east of SR 429

Future Land Use: Residential Medium
Tract Size: 127.21 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez stated that she has no additional information.

Tom Sullivan, Robinson Law Firm, on half of the applicant, stated that he did meet with all the commissioners individually to give an update on the water flow.

Jason Mahoney, NB5, Inc. gave an update and showed a more detailed illustration on how the drainage works on in this area. ***A copy of this presentation is available upon request.***

Commissioner Becker stated that, he did get a chance to go back and read the developers agreement. He stated that at the last hearing his major concern was the drainage issue; he asked the applicant to explain more/expand on ways to address that issue.
Jason Mahoney stated that they have six (6) ponds on the project and they are all designed to be dry retention ponds, which means they fill up with water during a storm and over time the percolate into the ground and become dry again. Most of the ponds on the project are operating, as they should. One pond (shown in slideshow presentation) his holding water. It is not overflowing or causing any issues, but it is not draining, as anticipated. They did some soil sampling around it and they found a clay liner/layer under the pond that was prohibiting the pond from infuriating into the ground. They went back with a proposal to over excavate that pond, remove that clay layer, and then when they go back in put in a series of underdrain, that go in just about 2ft below the pond bottom. That permit was checked on this morning, it is finished with review and the technical staff report is being written. They expect that permit to be issued soon and the underlying landowner already has a contractor lined up to do the work, so that repair should be in progress soon. **Mayor Nelson** asked if there is a good change that the two other neighborhoods also have a clay liner problem. **Jason Mahoney** stated that they had reason to believe that the soil conditions were uniform throughout, but that was not the issues; for instance, the pond directly adjacent to the one in question is working perfectly. So, the clay layer could be sporadic. **Commissioner Nesta** asked Mr. Mahoney to speak to the testing of the drainage ponds and **Mr. Jason Mahoney** stated that right now they have the first phase of parcel B2 under construction. As soon as they identified that there may be an issue with this pond, they had the contractor dig, the stormwater pond for this project as well, and they have been watching it for about 3 months and it has not filled with water. Every time it rains, it fills with water temporarily, then it does drain, so it furthers their expectations of how that one was going to perform. **Mayor Nelson** asked if that was before Hurricane Ian and **Mr. Mahoney** said yes, it went through Ian and recovered after that.

Commissioner Nesta stated that they do understand that this specific project and developer is not directly on Clear Lake, but we are having an issue in the area. He stated that the conversation when to can this developer agree to funding the pump stations for the two neigborhoods on Clear Lake; to the south of Clear Lake Landing and Clear Lake

Estates. He asked Tom Sullivan to speak to that and their developers position on that. **Tom Sullivan** stated that they are following up on that conversation, but they will be willing to contribute, up to a certain dollar amount. **Jason Mahoney** stated that while this was not an idea of NB5's they did look at it, after hearing the comments in the Public Hearing last week. Clear Lake is a closed basin, so water that falls anywhere that drains to Clear Lake does not leave the basin, it goes into Clear Lake and that's it. What's happening is the Clear Lake Landing, Clear Lake Estates, and the small portion of Avian Pointe are getting their reclaim water from the City, so that reclaim water that is coming into the neighborhoods and irrigating their lawns is outside water; it is being introduced to the basin and Clear Lake. It is not helping the situation. The suggestion heard at the workshop was let's try to eliminate that additional reclaim source and maybe irrigate the surrounding neighborhoods, using Clear Lake, as a source of water. They thought this suggestion as fundamentally sound. So, it is just installing a small pump, drawing water out of Clear Lake, and patching that pump to the reclaim system. The reclaim system is already in place, so it is just a matter of putting the gate valve at the street connections the public main, turning it off, and then sources the irrigation from Clear Lake. That way you are reducing the amount of water to Clear Lake by hundreds of thousands of dollars per year. **Commissioner Nesta** stated that the solution makes sense, its just the funding. Since their developer is agreeable to fund that, up to a certain amount, and then we offer some type of credit back, that would be a win-win for everyone. **Tom Sullivan** stated that he knows there are some restrictions in regards to impact fee dollars, so this proposal that they would be comfortable with is doing it as a contribution in the name of a public-private partnership without looking for credits.

This developer and the City will come up with an appropriate/acceptable agreement.

Commissioner Nesta asked for a review of the number, for prices per pump. During the workshop, the residents were given a number around $200,000 per pump.
Jason Mahoney stated that they have not done any hard estimations or engineers cost estimates, but they do know that there is a sanitary pumping station that the applicant designed and constructed, that serves all Avian Pointe. It sits on the 429 behind the recreational fields, that pumping station is massive and it only cost $180,000; so, he would guess that the pumping stations for these irrigation systems would be significantly less that than. **Commissioner Smith** chimed in stating that during the conversation it was noted that gate valves would be put into place, that are reservable, so it we drain the lake down too low, we can shut it off and revert to the reclaim water.

Dennis New, 105 W Magnolia Street, stated that we have been focusing a lot on Clear Lake and how the waters are rising. He stated that he went out the other day and it is within 6 inches of cresting the wall around the playground and within a foot and a half of crossing Binion Road. The water level has gone up, since the Hurricane. He stated that he believes that everyone agrees that it is the reclaim water that we are putting into that bowl, but that bowl is a lot bigger than Clear Lake.

Venus Griffith, Clear Lake Estates Subdivision, asked for clarity on the City water that is dumping into Clear Lake. She also stated that she is the first house there, so she has the most water and she has a growing concern for sinkholes.

Gregory Griffith, Clear Lake Estates Subdivision, asked if this proposal will allow us to reduce the lake back to where it is supposed to be.

Commissioner Nesta stated that just because we implemented a solution, does not mean it is over. It will be continuously and constantly monitored. This is a unique solution and we can only be proactive to a certain extent.

Commissioner Becker stated that he thinks what the applicant is offering is like what was discussed in a different meeting. It would be a slower solution to the problem, but it is one solution. This applicant is willing to take on part of that expense to reduce the burden of expense. He stated that you increase the opportunity of sinkhole if you do a mass clearing of that water, in a quicker fashion than a slower one. He went on to state that if the water is still cresting this is outside of the scope of the applicants point. Are there any infrastructure roadway concerns that we as a city staff has, if the water is continuing to rise? That would be a conversation to have in more targeted fashion.

Commissioner Smith stated that we need to be careful about the terms we use when we say ‘drain the lake,’ we are not draining the lake, we are just lowering the level of he lake. He stated that he is sure that St. Johns will have some restriction on how low that can be drained.

John Ricketson, Publisher for the Apopka Chief, made his statements stating that this issue is no one’s fault, the engineers and staff at St. Johns are professionals and they will figure it out, but it will take some time. He also gave examples of other situations, like this one, that work fixed.

Sylvester Hall, 3091 Rolling Hills Lane, stated that he has gone to the Griffith household and he explained that it is not something you will believe unless you are there in person to see. He advised the homeowners to hire their own independent contractor to go out and investigate the issues in the area. There is a solution.

Michael Rodriguez, City Attorney, stated that in recognition of the extraordinary circumstances regarding the drainage issues, in the surrounding area, the applicant agrees to a construction contribution of up to $80,000 towards the costs of one pumping station or any other mechanism or solution that the City may try. That will be a condition of approval and we will come back with an actual agreement to be entered by the City and the developer.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2975. The applicant agrees to enter into a construction

agreement, of up to $80,000, with the City and the agreement will be bought back to council, for approval.

c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 2975. The applicant agrees to enter into a construction agreement, of up to $80,000, with the City and the agreement will be bought back to council, for approval.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

2. Ordinance No. 2957 - First Reading - Comprehensive Plan – Large-Scale Future Land Use Amendment – Mid-Florida South
Owner(s): Simpson D Wayne 50% Int, Simpson Susie F 50% Int, Laxmi Land Investment LLC, Sessions Plymouth LLC and Hill Lisa L Tr
Applicant: Arco National Construction
Location: Southwest corner of Peterson Road and SR 429
Tract Size: 65.3 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez stated that this is a request to accept the first reading of Ordinance Number 2957, amending the future land use map from Mid-Florida south from County Rural and Future Land Use Industrial and authorize the transmittal to the Florida Department of Economic Opportunity. The property is approximately 65 acres located in the southwest corner of Peterson Road and State Road 429. This request is compatible with the designation assigned to abutting properties, to the north. The applicant is also planning to rezone the property to IL- Industrial Zoning District, compatible with the proposed industrial future land use. The DRC recommends approval and at it's 11/08/2022 meeting the Planning Commission unanimously recommended transmittal of the future land use map and approval o the change from County Rural to Future Land Use in Progress to Industrial and the transmittal to the Florida Department of Economic Opportunity. The recommended motion is to accept the first reading of Ordinance Number 2957 and authorize the transmittal to the DEO. Staff and applicant are available for questions.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2957 at first reading and hold it over for second reading and adoption.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve Ordinance No. 2957 at first reading and hold it over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

3. Ordinance No. 2958 - First Reading - Change of Zoning - Mid-Florida South
   Owner(s): Simpson D Wayne 50% Int, Simpson Susie F 50% Int, Laxmi Land Investment LLC, Sessions Plymouth LLC and Hill Lisa L Tr
   Applicant: Arco National Construction
   Location: Southwest corner of Peterson Road and SR 429
   Tract Size: 65.3 +/- acres
   Project Manager: Jean Sanchez

   Jean Sanchez stated that this is the zoning amendment request for the property in the previous item, Mid-Florida South. Requesting to accept the first reading of Ordinance Number 2958, changing from T (Transitional) and County A-1 (Citrus Rural) Zoning Districts to I-L (Light Industrial) Zoning District, Mid-Florida South. The proposed IL-Light Industrial District is compatible with those found to the south and east of the subject properties. The recommended motion is to accept the first reading of Ordinance 2958 and hold it over for second reading and adoption. DRC has recommended approval and Planning Commission has also recommended approval at their 11/08/2022 Planning Commission Meeting.

   a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
   b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2958 at first reading and hold it over for second reading and adoption.
   c. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve Ordinance No. 2958 at first reading and hold it over for second reading and adoption.
   d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

4. Ordinance No. 2970 - First Reading - Small Scale Future Land Use Amendment - Tyler Crusades
   Owner(s): Tyler Crusades, Inc.
   Applicant: GAI Consultants, Inc. c/o Andrew McCown, AICP
   Location: North and east of U.S. 441, east of Apopka Airport and west of Hermit Smith Road
   Tract Size: 40.14 +/- acres
   Project Manager: Jean Sanchez

   Jean Sanchez stated that this is a request to accept the first reading of ordinance number 2970 changing the future land use map designation for Tyler Crusades from County Rural to Mixed Use. The subject property is approximately 40 acres located north and east of US 441, east of Apopka Airport Road, and west of Hermit Smith Road. This request is compatible to the area due to the adjacent property already having the same future land use designation. The applicant is also request to amend the zoning district for the subject property to Mixed Use East Shore Gateway Zoning Subdistrict, which is the next item on the agenda. The DRC has recommended approval and Planning Commission has also recommended approval at their 11/08/2022 Planning Commission Meeting, on a four to one (4-1) vote. The recommend motion is to accept the first reading of ordinance 2970 and hold it over for second reading and adoption on 12/21/2022. Staff and applicant are available for questions.

Commission Nesta asked what was the reason for the one 'no' vote from the Planning Commission and **Jean** stated that one of the commissioners had concerns about the airport noise in that area.

Commissioner Becker asked if there are any concerns of this use, due to the wetland on this property and **Jean** stated that there are no concerns, now. We have only seen conceptual plans that propose both commercial and residential on those properties, but they have not gone through development review yet. **Commissioner Becker** stated that this is a major roadway that it sits on, so there will truly be commercial on this site and **Jean** stated yes, that is our discussion and informational meeting with the applicant.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2970 and hold it over for second reading and adoption.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Becker** to approve Ordinance No. 2970 and hold it over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

5. Ordinance No. 2971 - Change of Zoning - First Reading - Tyler Crusades
Owner(s): Tyler Crusades, Inc.
Applicant: GAI Consultants, Inc. c/o Andrew McCown, AICP
Location: North and east of U.S. 441, east of Apopka Airport and west of Hermit Smith Road
Tract Size: 40.14 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez stated this is a request of ordinance 271 changing the zoning from County A1 and County PD to Mixed Use East Shore Gateway for Tyler Crusades. They are currently vacant, but adjacent to mixed uses. It is compatible with the surrounding areas due to the PD development and commercial based districts found south of the subject property. DRC has recommended approval and Planning Commission has also recommended approval at their 11/08/2022 Planning Commission Meeting. The recommend motion is to accept the first reading of ordinance 2971 and hold it over for second reading and adoption on 12/21/2022. Staff and applicant are available for questions.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2971 and hold it over for second reading and adoption.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve Ordinance No. 2971 and hold it over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

6. Ordinance No. 2977 - First Reading - Future Land Use Amendment - 1132 Plymouth Sorrento Road
Owners: Robert Grossenbacher 1/5 interest, Scott Grossenbacher and Todd Grossenbacher, 1/5 interest, Carolyn Ditch Trust 1/5 interest, Mary Frisbie 1/5 interest, Elizabeth Townsend 1/5 interest
Applicant: Standard Investments & Holdings, LLC
Location: 1132 Plymouth Sorrento Road
Tract Size: 8.39 +/- acres
Project Manager: Roxann Read

Roxann Read, Planning Manager, stated that this request is to approve ordinance number 2977 at first reading and hold it over for second reading and adoption on 12/21/2022. The property is located at 1132 Plymouth Sorrento Road, the existing future land use is County Rural and the proposed future land use is City Commercial. It is 8.39 acres. The proposed future land use is compatible with the area and the application is being processed simultaneously with an application to rezone the property, which is the next item. DRC has recommended approval and Planning Commission has also recommended approval at their 11/08/2022 Planning Commission Meeting. The recommend motion is to accept the first reading of ordinance 2977 and hold it over for second reading and adoption on 12/21/2022. Staff and applicant are available for questions.

Commissioner Nesta stated that he does not think this is compatible with the area and he believes that it will be an eye sore. We do not know what is going on to the north or east.

Andrew M., with GAI Consultants, representing the applicant stated that they do have a concept plan and it was submitted with part of the application, but it was not included in the package that the council received. It is anticipated to be corridor type commercial. He asked if there are any type of design standards that the council would like to see. **Commissioner Nesta** stated that his problem is with the unknown of the other properties. **Commissioner Becker** asked if the applicant has ownership interest on the commercial property to the south and **Andrew** stated no. **Commissioner Becker** stated that he concurs with Commissioner Nesta's concerns; however, he is fatigued on residential and this is an opportunity to have straight commercial.

Commissioner Smith asked if we know who owns the property to the east and **James Hitt** stated that is the Express Way Authority.

Mayor Nelson asked Commissioner Nesta, if not commercial, then what and **Commissioner Nesta** stated that he cannot answer that question, right now. Orange County basically must plan it and we must be reactive to what they do. **James Hitt** stated that staff believes that commercial is compatible with the surrounding areas. **Mayor Nelson** stated that he rather us be in control of the property, than Orange County.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2977 and hold it over for second reading and adoption.
c. Motion by **Commissioner Becker** and seconded by **Commissioner Smith** to approve Ordinance No. 2977 and hold it over for second reading and adoption.
d. **Motion carried 4-1,** with Mayor Nelson, and Commissioners Becker, Smith, & Velazquez voting aye and Commissioner Nesta voting no.

7. Ordinance No. 2978 - First Reading - Change of Zoning - 1132 Plymouth Sorrento Road
Owners: Robert Grossenbacher 1/5 interest, Scott Grossenbacher and Todd Grossenbacher, 1/5 interest, Carolyn Ditch Trust 1/5 interest, Mary Frisbie 1/5 interest, Elizabeth Townsend 1/5 interest
Applicant: Standard Investments & Holdings, LLC
Location: 1132 Plymouth Sorrento Road
Tract Size: 8.39 +/- acre
Project Manager: Roxann Read

Roxann Read, Planning Manager stated that this request is to approve ordinance number 2977 at first reading and hold it over for second reading and adoption on 12/21/2022. This is the rezoning request with the existing zoning being A1 and the proposed zoning being Community Commercial. This property is about 8.39 acres, it is currently vacant, and it is compatible with the zoning in the area. DRC has recommended approval and Planning Commission has also recommended approval at their 11/08/2022 Planning Commission Meeting. The recommend motion is to accept the first reading of ordinance 2978 and hold it over for second reading and adoption on 12/21/2022. Staff and applicant are available for questions.

Commissioner Nesta stated again that this is not compatible with the surrounding properties.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2978 and hold it over for second reading and adoption.

c. Motion by **Commissioner Smith** and seconded by **Commissioner Becker** to approve Ordinance No. 2978 and hold it over for second reading and adoption.
d. **Motion carried 4-1,** with Mayor Nelson, and Commissioners Becker, Smith, & Velazquez voting aye and Commissioner Nesta voting no.

8. Ordinance No. 2986 - First Reading - Annexation - Soil Blending Properties
Owners: Soil Blending Properties, LLC
Applicant: Soil Blending Properties, LLC – Michael Dinkel
Location: Hermit Smith Road
Existing Use: Vacant Land
Tract Size: 10.07 ± acres
Project Manager: Roxann Read

Roxann Read, Planning Manager stated that this request is to approve ordinance number 2986 at first reading and hold it over for second reading and adoption on 12/21/2022. The location of the property is on Hermit Smith Road, the tract size is about 10.07 acres. The applicant is intending to expand an adjacent industrial business, on the property. The recommend motion is to accept the first reading of ordinance 2986 and hold it over for second reading and adoption on 12/21/2022. Staff and applicant are available for questions.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2986 and hold it over for second reading and adoption.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Becker** to approve Ordinance No. 2986 and hold it over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

9. Ordinance No. 2987 - Annexation - First Reading - CFX Property
Owner(s): Central Florida Expressway Authority
Applicant: Central Florida Expressway Authority c/o Lisa Lumbard
Location: Southwest corner of Peterson Road and SR 429
Tract Size: 6.0 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez stated this request is to accept the first reading of ordinance number 2987, annexation of the CFX property. The parcel is located at the southwest parcel of Peterson Road and SR 429 and approximately six acres in size. It abuts properties in City Jurisdiction at its northern western and southern boundaries. DRC recommends approval. The recommend motion is to accept the first reading of ordinance 2987 and hold it over for second reading and adoption on 12/21/2022. Staff and applicant are available for questions.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2987 and hold it over for second reading and adoption.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve Ordinance No. 2987 and hold it over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

10. Resolution No. 2022-54 - FY22/23 Budget Amendment
Presented by: Edward Bass

Edward Bass, City Administrator, stated that this is a budget amendment from two items that were adopted earlier, in the meeting under the business section of the agenda. These items include: the right-of-way for $16,170 on Mt. Stirling, transportation impact fees for the improvement to the cul-de-sac seen this evening is $55,000, and the rebuild of King Street and Peterson is $565,456 for a total budget amendment of $636,626, all coming from the transportation impact fees.

Commissioner Nesta asked if we consulted it the HOA about Mt. Stirling and **Edward Bass** stated that we have heard from some of the residence, but we have not consulted directly with them, but we can reach out to them before we begin the improvements.

a. Mayor Nelson then asked if anyone from the Public wished to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-54.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve Resolution No. 2022-54
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Becker stated that last week he made a request numerate and item for City Council reports for this meeting and he was told that he could not. He asked to have one item placed on the agenda, this evening, called Economic Development Direction, so he inventoried the agendas that we had readily available, on the website. It comprised of 75 City Council Meeting during that time. During 61 meetings or 81% of the time the Mayor had numerated, 15 meetings the City Attorney had numerated items, 35 meetings the City Administrator had numerated items, and 1 meeting Commissioner Bankson had a numerated item when he spoke on the General Fund Reserve Policy. Commissioner Becker stated that he asked for this to be on the agenda on December 1st and received a response from Mrs. Hobbick stating that it is not practice. He asked for clarification/citation or rules/or any other equal preventing him from doing so. As an equal member of this board, to which no response was provided. The agenda was published on 12/2 and he immediate noticed that the item was not there, for numeration. He asked again, for clarification from Mr. Bass, who provided the final denial stating that he had confirmed with the Mayor and the Mayor had just then decided to omit numerated items from under his Mayor's report in response. So, you go from doing something that you have done 81% of the time, over a three-year period to taking it completely off, because I am asking for one item to be considered, as an equal member of this board. Collectively, as a board, we need to give a clear indication about what is or not permissible items within our City Council Report; we should all have the ability. **Michael Rodriguez** asked Commissioner Becker to give his definition of a numerated item and **Commissioner Becker** stated a listed item within the reports, on he agenda, when it is published. **Michael Rodriguez** stated that to his understanding is we cannot have an item that will call for an action of the council. So, the city council reports are the councilmembers opportunity to call for direction from staff or having direction to staff to proceed forward on an issue. Then with staff having direction forward, that is an item that at a future date, can be brought under a business item, which will then call for a vote. **Commissioner Becker** stated that he wants to have a meaningful conversation about what he wants to discuss and not blindside the other members of the board. He asked why was former Commissioner Bankson afforded the opportunity to have an item under his council report and **Michael Rodriguez** stated that that answer would have to come from the agenda clerk. **Commissioner Becker** stated that as a member of the council, if he wants something listed under the city council reports, he expects it to be honored. **Michael Rodriguez** stated that is not a legal issue is a matter of internal policy and would need to be addressed to with the agenda clerk. **Commissioner Becker** went on to state that Apopka is outside the norm, in terms of what other municipalities are doing to drive the right outcomes within their cities, in terms of economic development. He asked the council to seriously consider this item, to fund it. He asked that the City create an Economic Development Department and fund it out of seed funding from the Coronavirus state and local fiscal recovery funds. He also asked that we create an Economic Director role; it should speak directly to this council and it should be ratified, as a council. Lastly, he asked that we create a long-term execution strategy. All commissioners did agree that it is a conversation that needs to be had. Commissioner Smith stated that he believes that it is needed, but he does not think we are ready for a full-time position, right now. ***(a copy of Commissioner Becker's presentation is available upon request).***

Commissioner Velazquez stated since our last council meeting, we have been very busy, as a City. On 12/2 we did the Kit Land Nelson Tree Lightening and we had the Clydesdale Hoarse, which was a perfect day/evening. We had the weekend with Art in the Park, and she thanked Radley for putting on that event. Next, we had the Jingle Mingle at Camp Wewa, all the Christmas Trees were beautiful. On Saturday, on behalf of the City, Mayor Nelson, and the Commission she attended the Hope Community 50 Years y Mas. A proclamation was ready to recognize the 50 years that Hope Community has been working to help the underserved, in our community. This week we started Shop with a Cop and tonight is day three. She commended every commissioner and the Mayor for making the community a priority.

Commissioner Smith stated that this has been a busy two weeks; Arts in the Park was a great event. Commissioner Velazquez was the MC for The Music and the Man Concert and it was a great event. Those musicians are doing a great job. There are several ribbon cuttings this week. We had the firefighters swearing in this week and there will be on police officer being sworn in, as well. He received a lot of feedback on the workshop on the South Apopka Annexation and they are looking forward to the next workshop. We did have a turkey giveaway during the Thanksgiving Holiday; they will also be giving away hams on 12/17 between 4:00pm and 6:00pm. He commended Pam Richmond for her work and getting the streets and infrastructure in place.

Commissioner Velazquez sent a special thank you to Public Works and Josh; they have gone over and beyond for the residents at Piedmont Lakes.

Commissioner Nesta allowed New Journey Youth Center to give a presentation ***(available upon request).*** **Ms. Danielle, Founder and Director of New Journey Youth Center,** stated that Apopka is the second largest city in Central Florida with a population is over 56,000. She feels that the youth has been left behind, with no activities and resources, other than a movie theater and bowling alley. The 'solution' is the New Journey Youth Center. They have gone on college tours and local field trips. They have also had career speakers such as music producers, city officials, police officers, firefighters, etc. When Covid-19 hit their location, the John Bridges Center, was closed until further notice. They have been at a temporary location for 2021 and now they are asking that the City donate the building located at 526 Forest Ave to New Journey to b their new permanent home. Commissioner Nesta stated that it is a dilapidated building that is being used for storage, now. Danielle is aware of the work and cost that it will take to bring the building up to Code and usable for their space. He feels that the best use, other than being knocked down, is this. He also asked that soon we deed this over to them. **Commissioner Smith** stated that the masons asked for this same building, so he would like to know the status of that request. **Commissioner Velazquez** stated that some much work needs to be done, who is going to pay for it. She mentioned a few other buildings and asked if she had seen any of them. **Commissioner Becker** stated that they have worked together for along time, he is a big fan of her working with the youth. **Commissioner Nesta** went on to state that there is a lot ot digest, in regards to the annexation workshop. He stated that he is not sure if he next meeting will need to be a little less formal or just a community meeting, where everyone will be able to speak openly. The Clydesdales and Tree Lightening were all incredible.

CITY ADMINISTRATOR REPORT

Edward Bass had nothing further to discuss.

CITY ATTORNEY'S REPORT

Michael Rodriguez stated that we have received the final judgement in the Southwick case and he has emailed a copy to each commissioner. Practically speaking, the court's action struck the offending language from the development agreement, so there is no need to bring the matter back before City Council for any action, in regards to development agreement. As for what is going on, going forward, he met with Community Development and the applicants to discuss their ongoing review, before DRC in regards to their complying with the design standards. That language was not touched by the court, so the language known as Exhibit F is still valid. They are hinting that there are some damages, but we have not sat. He wishes to sit with our co-counsel, along with their counsel to discuss those matters, going forward. He may call another executive session to discuss that issue.
He went on to state that the word 'moratorium' keeps being thrown around; the theme of moratorium is to have the City stop allowing for permits an approval until 'all traffic issues are resolved.' He stated that building moratoriums for vague reasons, for an indefinite or unknown period have been ruled to be unconstitutional takings by the US and Supreme Court. He does not advise the council to take that route.

MAYOR'S REPORT

Mayor Nelson announced the Sertoma Parade this Saturday at 10:00am down Park Ave. He also stated that at 5:00pm is the Holiday pops Concert and tables are still available. On 12/17/2022 at the Edgewood Greenwood Cemetery is the Wreath Across American, where we place wreaths on all the veteran's gravesites. Lastly, also on Saturday 12/17 at 7:00pm at the DRV Pnk Stadium the Apopka Blue Darters will be playing against Miami.

Commissioner Nesta asked the Mayor to elaborate on the meeting that was held with Rock Springs. **Mayor Nelson** stated that they are getting close to an agreement with the golf course owner and the HOA, and that we should have something to look at, by the end of the year. Nothing has changed, it is just how we do it. It is the 51 acres that they will develop in a swap for the golf course land; there will be money to change hands, going toward the HOA. The parties are trying to come up with a conservation easement to mitigate the turtles that are on the 51 acres. We are trying to reduce the amount of residential land to the number of residential units that will equal the 1320 plus the 273 on the 51 acres, so if we reduce the amount of residential property to that number, then we get to the point where there are no more lots to be developed. **Commissioner Nesta** questioned the number of development rights that they have currently and **Michael Rodriguez** stated that if you apply the actual number of units constructed and the actual number of units approved, with the overall area of the PD, the estimation is about 17 units that are left over. What will happen is the HOA will probably come in with an application for a future land use map amendment. **Commissioner Becker** stated that he thought the City stated that they have no interest in this. **Michael Rodriguez** stated that the HOA and the golf course owner came to the City to determine what the City needs to approve, as far as land use amendments. **Commissioner Becker** asked if the City is taking a stance in what is needed to relocate gopher tortoises by the state. Commissioner Becker asked why do we have an idea that it will be this easy to relocated tortoises. **Michael Rodriguez** stated that the golf course owner and the HOA have been in discussion with the state, we have not been included in those discussions. **Commissioner Becker** stated that he thought the council requested that all council members are kept abreast of communication and meetings with Rock Springs. **Michael Rodriguez** reiterated that the city has not been involved in discussion with the HOA and the golf course group and the state. The meeting on yesterday was to receive direction on what the City will review to bring the future land use map destinations for the overall PD and amending the PD to bring in the consistencies. All present in the meeting was the representatives of the HOA the representatives of the golf group, the community development director, and the Mayor. **Commissioner Becker** stated that believe it's a waste of time. **Commissioner Nesta** asked if there is a site plan. **James Hitt** stated that he has had one since last week. **Commissioner Nesta** asked to have that plan sent to the commissioner. **Commissioner Velazquez** stated that the council is a representative of the City and the residents of Rock Springs Ridge. All commissioners agreed that they should be kept more informed on developments and projects within the City. The expectation is to keep the commission informed.

ADJOURNMENT

With there being no further business, to discuss, the meeting adjourned at 6:13 P.M.

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Bryan Nelson, Mayor

Attest: ______________________________________

Victoria D. Parks, Deputy City Clerk