

CITY OF APOPKA

Minutes of the City Council regular meeting held on March 3, 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 Bankson provided the invocation, led in the Pledge of Allegiance and provided the fact of the day as follows: On March 3, 1931, President Herbert Hoover signed a congressional act making “The Star-Spangled Banner” the official national anthem of the United States. “The Star-Spangled Banner” was composed by Francis Scott Key on September 14, 1814 after witnessing the British bombardment of Fort McHenry in Maryland as part of the War of 1812. Key watched the massive assault up close while being detained on a British ship and was amazed that the fort’s flag survived the siege. “The Star-Spangled Banner” was considered the national anthem by most of the branches of the military during the 19th century but was not formally designated as such until President Woodrow Wilson signed an executive order in 1916. March 1931, Congress passed an act confirming President Wilson’s presidential order, and President Hoover signed it into law on March 3, 1931.

APPROVAL OF MINUTES

1. Council Workshop Meeting Minutes of February 17, 2021.
2. Regular Council Meeting Minutes of February 17, 2021.

Mayor Nelson asked if anyone had any questions about any of the minutes and hearing none, he asked for a motion to approve the two (2) sets of Minutes, as read.

MOTION by Commissioner Smith and seconded by Commissioner Bankson, to approve the two (2) sets of Meeting Minutes, 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 was one change to the Agenda. He said that under Presentation, item #2 has been moved the next meeting of March 17, 2021.

PRESENTATION

1. Recognition of American Idol Contestant Apopka Firefighter Jeremias Williams
Presented by: Chief Wylam

Mayor Nelson called upon Chief Wylam to present.

Chief Wylam said he has the privilege to present a fine young man today who needs no introduction, Mr. Jeremias Williams. As we all know, he was a contestant recently on American Idol. He said that his American Idol journey began long before the video you're getting ready to see and said that he was chosen over thousands, upon thousands of contestants, who tried out via Zoom. He said he met with Producer after Producer and eventually was selected as one of the few contestants chosen to travel to California to go before the judges and said that is an amazing accomplishment in and of itself.

Chief Wylam said he wanted to share a few things about Jeremias that are a testament to his character. He said anyone who's been around him for longer than 5 minutes, knows his resolve. He said in a recent conversation with Jeremias, before the airing of the show, Mias looked at him and said, "Chief, I don't want to be a burden". Chief said to him, it's not just your God given talent that separates you from the rest, it's what you did with what you had that makes you truly special. He said you've come through this experience with a desire to encourage others to use this platform and to turn around and help the next person and provide hope to others. He said that is not a burden, that is a blessing and a true inspiration.

He said this young man has represented himself, his family, his extended family, the Apopka Fire Department, the Fire Service as a whole and our entire Community on an international platform with the right attitude and character that we should all aspire to. He said we are extremely proud of Jeremias not only for his accomplishment but the incredible example that he's shown to all of us and truly lives by.

Chief then played the video of the audition.

Jeremias said thank you so much for this and said he's super grateful and super humble and appreciative for the support he's received from the City and thanked Chief Wylam for the kind words. He said he left American Idol without a golden ticket but said, honestly, he already had his golden ticket and that was the opportunity to potentially inspire somebody who grew up like him, someone who came from poverty or someone going through any type of hardship. He said his golden ticket was the opportunity to inspire someone, to represent this City, that took care of him, and to represent the Fire

Department, that brought him in and gave him the opportunity and the chance to live out his dream of being a firefighter. He said, that was his golden ticket. He said he's received so much love from the community. He said that a group of special needs kids came to the station this morning, on a shuttle bus, and brought him some personal cards, thanking him for inspiring them and also gave him his own Golden Ticket that they autographed on the back thanking him for being their American Idol.

Mayor Nelson said we have a concert coming up on April 10th and said we have 3 acts coming on prior to Brittany Callahan and asked him if we can have him come and provide the lead in to that.

Jeremias said he'd be interested in doing that but with American Idol, he signed some documents agreeing to confidentiality prior to the airing of the show so he will need to get with the Producers and find out if he can make sure he's allowed to do that now but said that's definitely something he'd be happy to do.

Commissioner Becker said you did a fantastic job and said his youngest daughter, Lucy, was inconsolable after the show. He said she was rooting for you so hard as we all were and said your golden ticket was on that video board when you walked back out. He said your family you have in support here, we love you.

Commissioner Velazquez said her friends in New York she received so many texts from friends in New York who watched and said you represented not just us in Apopka but everyone around the World. She said she was so excited because we love you and your story is just so powerful and said you'll keep inspiring.

Commissioner Bankson said what the Chief said about you is very true and said there's something very special about you. He said your faith and service shines through and said that shines brighter than that golden ticket. He said what they said was very true and there's been something very special in his voice. He said that he's glad we get you for at least another year before you take off and said we're all very proud of you and said thank you for representing Apopka.

Commissioner Smith said everyone was sitting and waiting for you to come on and said no one would move until you came on. He said received phone calls from all over and said he had the opportunity to speak to several of your teachers from elementary all the way to high school and they talked about the gentleman that you are. He said we can tell by your humble spirit that is inside of you and said Apopka is very proud of you and said keep doing what you're doing.

2. Economic Development Website

Presented by: Edward Bass and Robert Agrusa

****This item has been moved to the March 17, 2021 City Council Meeting.***

PUBLIC COMMENT PERIOD

Scott Dooley, 1061 Orange Blossom Trail, Apopka, FL 32712 – said he watched the last meeting regarding the homeless center and does not agree with it. He said he comes from a different angle and said that when Covid hit in March of last year, he was hospitalized and because everyone was panicked, he had nowhere to go and lived in his truck for 4 months in a Walmart parking lot. He said he agrees there is a homeless problem here but said there's an even bigger drug problem. He said that this isn't a City issue and all this is doing is making the problem worse. He said that some people make bad choices and that's why they're there and said others are there because they didn't have an option and that's where he fell as he didn't have anywhere to go. He said the everyone knows the services that are offered at the churches and having a building to him is a waste of money if we don't address the real problem. We need to be teaching them, training them or helping them get clean. He said he feels we're becoming a homeless center just like the City of Austin.

Commissioner Velazquez said Scott is a disabled Veteran and said it broke her heart to learn that Scott had lived in his truck for 4 months. She said it's people like him that we should be helping.

Mr. Dooley said there was a gentleman who worked the graveyard shift at Wawa who was living in his car in the Crosby parking lot but Wawa wouldn't do anything for him. He said he found out he had Colon cancer which was the same type of cancer he had. He said he helped him get help at the hospital as no one else was there to help but the man ended up passing away.

Mayor Nelson explained that that's what the center will do is try and help find the resources. He said we're not handing out money, rather, the intent is to provide a hand up, not a hand out.

Commissioner Bankson said he appreciates your remarks and said that was more the heart of why he was moved to support of the center with what will be offered and said, like you said, many churches are doing certain things but others don't know what each other are doing. He said that part of the goal is the accountability factor to make sure that we're not just feeding the problem but really reaching those who have the genuine need.

Commissioner Smith said he appreciates the comments but said that what we're missing is that this will not just be a place for homeless to go but also a place for those individuals who are unemployed and those who need mental health counseling. He said that it will be a place that's staffed and will be able to provide the resources that these individuals need to get them to the next level. He said we're not going to be able to save everyone but by having the resources in one place and having people qualified to help in this one place, will be an asset to those who are actually looking for help. He said like the Mayor said it won't be a hand out but a hand up.

Commissioner Becker said that he made his comments clear during the workshop but said that at this stage, it hasn't been formally presented to us yet. He said that he's assuming that we'll get more insight as to how some of those concerns will be curbed at that time.

CONSENT (Action Item)

1. Approve fireworks proposal with Zambelli Fireworks for the City's 4th of July event.
2. Approve proposed splash pad fees and hours of operation for 2021.
3. Authorize the Police Chief to present service weapon to retiring member of the Police Department.
4. Authorize the issuance of evaluated and sole source memos.

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 four (4) items on consent.

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

BUSINESS (Action Item)

1. Oak Pointe - First Amendment to amended and restated development agreement for Oak Pointe, and creation of new Oak Point North development agreement.
Owner: Thompson Hills Estates, LLC
Applicant: Jonathan Huels
Location: North of McCormick Road, east of SR 429 and southeast of Ocoee-Apopka Road
Project Manager: Bobby Howell

Bobby Howell, Planning Manager said that Oak Pointe is composed of two developments consisting of Oak Pointe North, which is being developed as multi-family, commercial uses, and Oak Pointe South which is being developed as single family residential and town-home uses. He said that on April 18, 2018, the City entered into a development agreement for the development of the Oak Pointe project. He said the agreement was amended and restated on July 3rd, 2019. The developer is seeking to amend the amended and restated development agreement to remove the Oak Point North project from the overall Oak Pointe development and create a stand-alone development agreement for Oak Pointe North and a stand-alone development agreement for Oak Pointe South which will regulate the two developments with two separate development agreements.

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 First Amendment to the Amended and Restated Development Agreement for Oak Pointe, and the creation of a new Oak Pointe North Development Agreement.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez, to approve to approve the First Amendment to the Amended and Restated Development Agreement for Oak Pointe, and the creation of a new Oak Pointe

North Development Agreement. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

2. Approve an Intersection Improvement Agreement with 1520 West Orange Blossom LLC and Crosby's Motor Inn LLC for improvements to the intersection geometry and traffic signal at the intersection of US 441 and Errol Parkway.
Presented by: Pam Richmond

Pam Richmond, Transportation Planner, said this is a request to enter into a 3-part agreement between the City; 1520 West Orange Blossom LLC; and Crosby's Motor Inn LLC. She said the purpose of this agreement is in large part for the developer, who is making a large investment in acquiring an easement from the Crosby Motor Inn to provide cross-access on that side of the road. She said Mr. Crosby is generously giving us an easement in return for not having to pay for the intersection improvements so everyone is doing their part. She said our part is to design and realign the intersection; install mast-arms and install a protected Westbound left turn lane. In addition, this will remove the billboard from the Crosby property.

Mayor Nelson thanked Pam for all of her hard work and said that she and Mr. Rodriguez and the team have worked together and that this will be a nice 4-way intersection and will really help this area.

Commissioner Bankson asked if that will help with the coming out of Errol on that side to be able to have a designated line.

Pam said it will function as a proper 4-way intersection with all of the appropriate movements and said we will stripe this appropriately so we have a turn lane and a through right.

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 Intersection Improvement Agreement with 1520 West Orange Blossom LLC and Crosby's Motor Inn LLC for improvements to the intersection geometry and traffic signal at the intersection of US 441 and Errol Parkway.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez, to approve the Intersection Improvement Agreement with 1520 West Orange Blossom LLC and Crosby's Motor Inn LLC for improvements to the intersection geometry and traffic signal at the intersection of US 441 and Errol Parkway. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

3. Approve Amendment No. 2 to the agreement between the St. John's River Water Management District for the Apopka IDWTS Conversion Project.
Presented by: Jeff Weatherford

Jeff Weatherford, Public Services Director, said that this item is the Second Amendment to the agreement between the St. John's River Water Management District for the Apopka IDWTS Conversion Project we have. He said the original agreement came before Council on September 17, 2018 and said that on September 9, 2020, we came back to you with the First Amendment. He said that since then, we've made a lot of progress with the project and have had public meetings with the community of Wekiva Glen. He said we've actually started the process and said that hopefully later this month, we'll be installing the first units. He said that this amendment does 3 major things. First, the project has been called the Camp Thunderbird Septic to Distributive Sewer Retrofit Project and we're going to change the name to the City of Apopka DWTS Conversion project since Camp Thunderbird is no longer involved. He said secondly, the contract we currently have with SJRWMD is set to expire on March 31, 2021 so this will extend it to September 30, 2021 so that we have time to finish the projects we have underway. He said the final issue is the cost-share. He said that when this was originally set up, we set it up based on a \$10,000 per unit cost and said along the way, we found that the cost to actually put this in the ground would be another \$4,295 for a total cost of \$14,295, per unit, installed. He said that the original agreement with St. Johns called for a 75/25% split with their 75% not to exceed \$7,500. He said that this removes that \$7,500 limit and puts it back to a 75/25% split so that the share is in balance again. He said we're asking you to authorize the City Administrator to execute Amendment #2 to this agreement.

Commissioner Becker asked if extending the date would have the same terms outside of just cleaning up the cost share to which Mr. Weatherford spoke to the affirmative

Mayor Nelson added that it looks like March 19, 2021 at 2:00 p.m., we will be installing our first Distributive Wastewater System. He said additional details will be forthcoming and we will be inviting the head of DEP along with Dr. Ann Shortelle of the SJRWMD as well as other dignitaries to come observe this cutting-edge technology as it's pretty exciting and we're proud of this project.

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 Amendment No. 2 to the agreement between the St. John's River Water Management District for the Apopka IDWTS Conversion Project.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve Amendment No. 2 to the agreement between the St. John's River Water Management District for the Apopka IDWTS Conversion Project. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

4. Approve highest bid offer from Terminus Realty, LLC for the sale of the N. Park Avenue and E. Sandpiper Road site.

Presented by: James Hitt

Jim Hitt, Community Development Director said this item is something we've seen before and has to do with the sale bid offer for the N. Park Avenue, Sandpiper Road parcel that was previously advertised and previously turned down as the bids came in too low. He said we had no real idea of what was going on with the property itself but said that the overall acreage is 8.45 acres but we needed a small cut of road ROW in order to realign Sandpiper Road from East to West across Park Avenue so the total acreage was 8.093 acres. He said the property was originally declared as surplus back in February 2017. He said this property has gone out to bid twice before and said with the first bid, the person backed out so we had to re-bid it and the second time, the bids came in below what the bid recommendation was, which was to be at least at the appraised value, which was \$1,267,500 million. He said this is a really good piece of property and already has commercial land use & commercial zoning as well as water and sewer accessibility. He said in addition, we're looking to put a light in at Sandpiper so whoever gets it will end up having a share cost for the traffic light. He said we re-advertised this on the City's website on January 28, 2021 and said we posted this for 3 weeks as discussed. He said we ended up getting 2 bids which were actually the same bidders that came in before. He said the first offer came in from Terminus Realty, LLC and came in at \$1.3 million and the second offer came in from Dr. & Mrs. Agarwal and that came in at \$1 million. He said we did get some extra back ground information from Terminus as to what they're planning to do and they submitted a concept plan that is not a part of this package. He said one of the ideas is a restaurant with a dog park which is an interesting concept. He said in one of his emails, he suggested he could mirror this concept after "Mutts Cantina". He said he sent each of the bidders the contact information for each other in hopes that perhaps they can work together. He said the caveat would be that should the first offer not be completed in accordance with the sale requirements, the City Council may allow the staff to complete the sale of the other bidder, at the lower amount, which was below the appraised value however, Terminus already indicated they're ready to close within 30 days.

Commissioner Bankson asked when should we expect that intersection will be able to be worked on but said that there is a lot of back up there and that will be a great help and relief as well as making it safer.

Mayor Nelson called upon Pam Richmond who stated that she didn't believe we can get this done in the next fiscal year but said she anticipated having this designed in 2022 and constructed in 2023.

Commissioner Becker said his preference would be for us to take the higher amount. He said his question centers around the purchase agreement and what limitations we as the Council have in preventing certain uses on that site. He went on to say those would include the unholy trinity that people in Apopka have come to know such as dollar stores,

auto parts stores and fast food restaurants. He said there are some fast food restaurants that people enjoy that he would like to see so this is aimed more toward the dollar stores and auto part stores, which we already have a number of them going North from that location. He said he saw a recent application for a dollar store near that location. He said that would be a deal breaker for him to which Jim Hitt said he's already had that discussion with Terminus and they stated that they're okay with restricting dollar stores and has agreed to put that in the contract.

Mayor Nelson asked if we can add auto parts stores to this language to which Jim Hitt stated he will ask him about this.

Michael Rodriguez said you can sell the property and put restrictive covenants on the deed to prohibit specific uses on the property.

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 highest bid offer from Terminus Realty, LLC for the sale of the N. Park Avenue and E. Sandpiper Road site, with conditions to include: no dollar stores; or auto parts stores.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve the highest bid offer from Terminus Realty, LLC for the sale of the N. Park Avenue and E. Sandpiper Road site, with conditions to include: no dollar stores; or no auto parts stores. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

5. Direct staff to make an offer to the YMCA for purchase of the Camp Wewa property and facilities.
Presented by: Brian Forman and Edward Bass

Edward Bass, City Administrator said this is the item of the day. He said there was a lot of staff involved in this item and we've worked very hard on this item and today you'll hear from some of them.

Mayor Nelson asked for a motion to direct staff to make an offer to the YMCA for purchase of the Camp Wewa property and facilities.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez, to direct staff to make an offer to the YMCA for the purchase of the Camp Wewa property and facilities. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2816 – First Reading – Comprehensive Plan – Small Scale Future Land Use Amendment

From: Mixed Use (Max. 1.0 FAR, 15 DU/AC)

To: Commercial (Max. 0.25 FAR)

Owner/Applicant: McCloskey Holdings LLC

Location: 1537 Harmon Road (east of Ocoee Apopka Road and south of S.R. 414)

Project: 2.93 +/- acres

Project Manager: Phil Martinez

Phil Martinez, Planner II, said that the applicant is proposing a small-scale future land use amendment from Mixed Use to Commercial for approximately 2.93 acres. He said the subject property is highlighted in yellow and is located East of Ocoee Apopka Road and South of S. R. 414 with a crossing at Emerson Park Townhomes to the East and the Adventist Health Hospital to the West. The property is zoned Mixed Use East Shore Gateway and an application for CC (Community Commercial) has been submitted and will be presented as the next agenda item. He said the Development Review Committee and the Planning Commission recommend approval.

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. 2816 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez, to approve Ordinance No. 2816 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

2. Ordinance No. 2817 – First Reading – Change of Zoning

From: MU-ES-GT (Mixed-Use East Shore-Gateway District)

To: C-C (Community Commercial District)

Owner/Applicant: McCloskey Holdings LLC

Location: 1537 Harmon Road (east of Ocoee Apopka Road and south of S.R. 414)

Project: 2.93 +/- acres

Project Manager: Phil Martinez

Phil Martinez, Planner II, said the applicant is proposing a rezoning from Mixed Use East Shore Gateway District to CC (Community Commercial) for the same subject property as the previous agenda item. He said that proposed community commercial zoning is compatible with the previously proposed commercial future land use. He said the Development Review Committee and the Planning Commission recommend approval.

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. 2817 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve Ordinance No. 2817 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

3. Ordinance No. 2818 – First Reading – Comprehensive Plan – Large Scale Future Land Use Amendment
From: High Density Residential-15 (Max. 15DU/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

Bobby Howell, Planning Manager, said the subject property is located at 2302 Ocoee Apopka Road and is approximately 21.59 acres in size. He said the applicant is proposing a future land use from HDR-15 which permits a maximum density of 15 dwelling units per acre to HDR-25 which permits a minimum density of 15 dwelling units per acre to a maximum density of 25 dwelling units per acre, in order to develop a 350-unit apartment complex on the subject property. He stated that the property is located within the East Shore New Market area which is one of the 4 permitted locations depicted in Policy 3.1.h of the Future Land Use Element of the Comprehensive Plan. This request to assign a Future Land Use designation of HDR-25 is compatible with the designations assigned to the surrounding properties, and is permitted in the Comprehensive Plan as the property is located in the East Shore New Market area, which is one of the 4 permitted locations depicted in Policy 3.1.h of the Future Land Use Element. He said a concept plan was submitted as a point of discussion by the applicant, which shows the potential layout of the apartment complex. He stated that OCPS has provided a report that indicates that capacity for the proposed development is not available at the elementary school level and is deficient by 30.660 seats at the elementary school level. He said the property is zoned for Wheatley Elementary School. He said the Development Review Committee; Planning Commission and staff recommend approval.

Commissioner Becker asked if the applicant was planning on speaking.

The applicant asked to table this item to a future meeting date to be determined.

Mayor Nelson asked for a Motion to table this item to a future meeting to be determined.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, table this item to a future meeting date to be determined. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

4. 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 (north of Boy Scout Road and east of South Binion Road)
Project: 9.487 +/- acres
Project Manager: Allyson Williams
NOTE: Staff requesting continuance to April 7, 2021.

Bobby Howell, Planning Manager said that staff is requesting a continuance to a date certain of April 7, 2021 to preserve advertising. He said the applicant is still working out issues with Orange County Public Schools related to capacity determinations.

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 grant a continuance to a date certain of April 7, 2021.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez, to grant a continuance to a date certain of April 7, 2021. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

5. Ordinance No. 2823 – First Reading – Annexation
Owner: Lee Lee Kyun, Lee Myung Ja, Nam Ki Yeon and Lee Jong Dan Nam
Applicant: Toll Brothers, Inc. c/o Geoff Summitt, P.E.
Location: North of Kelly Park Road and east of Dowman Drive
Project: 30.19 +/- acres
Project Manager: Bobby Howell

Bobby Howell, Planning Manager, said this request is to annex 2 parcels totaling 30.19 acres into the City. He said the property is located on the North side of Kelly Park Road and East of Dowman Drive, adjacent to the West of the Oaks at Kelly Park subdivision. He said the purpose of the annexation is that the applicant intends on developing Phase 3 of the Oaks of Kelly Park subdivision on the property. He said the parcels are contiguous to the State limits and eligible for annexation pursuant to Florida Statute 171. He said assignment of the future land use designation and zoning designation will occur at a later date. He said the Development Review Committee and City Staff recommend approval.

Commissioner Becker asked if there was any intention of connecting this to Dowman Drive.

Bobby said that he believes the applicant has been in discussions with possibly connecting Dowman Drive and said there is either a platted strip that would likely need to be vacated or an easement for that.

Geoff Summitt of Summitt Engineering, representing the applicant, said Dowman Road is actually a County Road, not a City Road so the strip Bobby is talking about is actually a right of way strip that was dedicated on the Plat. He said we've talked to the County and don't have an answer as to whether or not they'll allow a connection but said the way we have the plan set up, we can work it either way.

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. 2823 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve Ordinance No. 2823 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez said she went to the First Vegan Festival we had out at the Amphitheater and said it was a great success. She said she was really surprised with the Vegan community that came out and said it was very successful and they were very happy and excited to come back. She said many of the vendors sold out before the end of the day. She recommends to whoever hosted it to try and market a little better as many residents were unaware of it.

Commissioner Bankson said that he wanted to bring up, as everyone is aware, that we've had our issues with flooding and said he knows Jeff has been working really hard on that. He said he appreciated the correspondence Jeff took in digging in and trying to explain why we're in this situation. He said he's getting a lot of response again on Lake Cortez and said the study we just had done is putting us in the place where we can start making recommendations of what we can do. He said one of the things the study found was that the infrastructure is not collapsed and is functioning the way that it should.

Jeff Weatherford said the one you sent me recently with Border Lake & Lake Cortez is a real challenge because it is really 4 different agencies. He said part of Border Lake is in the City of Apopka and part of it is in Seminole County. He said Lake Cortez is in unincorporated Orange County and said one of the aggravating factors is that the Florida Department of Transportation widened S.R. 436 right there. He said the Mayor has spent a lot of time trying to bring the partners together to work on this and said we're making some headway with Orange County. He said we'd like to pull FDOT and Seminole County into it. He said that the two big things that have changed are some of the developments in Seminole County as well as the widening of 436 and said we're continuing to work on this. He said there's light at the end of the tunnel, he just hasn't figured out if it's a train or not. He said we're working with Orange County Public Works right now and they've established that there was a previous drain well in the area that we're working together with the County and with DEP to try and reestablish the drain well to try and alleviate the problem. He said Orange County has the lead on that and we continue to work with them. He said that FDOT has not been willing to come to the table so far but we continue to try and pull them and Seminole County in to help.

Mayor Nelson said that if Orange County is able to convince DEP that there was a drainage well there, which you cannot build another drainage well. He said for those who aren't familiar with a drainage well, it's essentially like a straw between the surface water and the aquifer. He said he's not a big fan of them but is what we're talking about as a solution. He said we have a Bill in the Senate to try and get up to \$1 million dollars to try and help us with what will be a 2-part solution. He said first, we need to get DEP to accept that there was a drainage well and that it's now under 436. He said if they agree that the drainage well was there and that we can replace it, then what we want to do is to do some water quality improvements before the surface water goes into the drainage well. He said that in a Hurricane Irma situation, all bets are off but for the normal times when we get a normal 1/2" rain and the lake isn't at historic levels, if we can do some type of filtration before it goes into the drainage well, we're better off as we're only less than a mile from Wekiva Springs by the way the crow flies. He said the other one we're looking at rehabilitating is Lake Page and Lake Pleasant and said none of these are cheap.

Commissioner Bankson said that if we continue approving building and if that is adding to the problem, and we don't address that, shame on us. He said we don't want to do that so as long as those in the know and with the ability to know the Engineering side of those things can let us know, we can advocate for our people.

Commissioner Smith said his question is in reference to the flooding and asked how long we're going to wait for DEP to make their determination as to whether the well is there or not.

Jeff said that the paperwork that Orange County filed with DEP was actually submitted this year so we're hoping that we hear something favorable by this Summer. He said if they say no, we have to try and figure out another solution and if we can't reestablish the drain well for Border Lake, we will then have to figure out a place to put the water and there isn't any place to put it.

Commissioner Becker said that the Mayor explained this very well and asked if there is a way to put some type of update on the website. He said it would be helpful to have someone from staff articulate what the options are and provide an update as to current status. He said he wanted to make sure we're still on the path for an HR Director.

Mayor Nelson said he and Jeff can put something together for this.

CITY ADMINISTRATOR REPORT

Edward Bass, City Administrator, provided a sales tax update and said that as you can see, we received the numbers for February and said keep in mind that the numbers from February are actually December as there's a 2-month lag. He said you can see that we're 27% down than we were the prior fiscal year and overall there's about \$655,000 difference if you annualize it and about 6.5% down than where we were projection wise so keep watching this number and as we get later into this year, hopefully those numbers will be up.

CITY ATTORNEY'S REPORT

Michael Rodriguez, City Attorney, provided a brief update on the DEO data breach and said an email was sent out to all of staff giving them an update of a breach that occurred at DEO and said it was the State's servers. He said it was not any server or any data held by the City and said data is held by the DEO. He said this is a Statewide breach that affected Statewide employees. He said DEO is currently investigating this breach and asking all State employees to keep an eye out for any suspicious activity. He said the investigators say that the most likely information that were breached are drivers licenses and said that some of the activity that's been happening are that unemployment benefits are being applied for so some members are receiving notification of awarding unemployment benefits even though they never made a claim for unemployment benefits. He said that the purpose of this update was as a courtesy and we did it under the guidance of the DEO.

Mayor Nelson said he wanted to give a big shout out to Dane Eagle, a friend of his, whom he served with in the Legislature, and is currently the Head of the DEO. He said as soon as the first report came in and we knew we had 5 or 6 employees on the payroll that were affected, he put a call in to Dane and said within 20 minutes they had an investigator on our case and said it helps to have friends in high places. He said he and

gave a shout out to DEO to be right on top of this thing and really working hard to make sure that whoever is doing this doesn't get away with it.

MAYOR'S REPORT

Mayor Nelson said the Covid numbers are really coming down and said the positivity rate in Orange County is less than 5% so it's in a good range and we're really making progress. He said that at your desk, you'll see the State of Florida Governors Executive Order and said they've added some additional people that can receive the vaccine. He said those include: K-12 School Employees that are 50 years or older; Sworn Law Enforcement Officers that are 50 years or older and any Fire Fighters 50 years or older. He said beginning on Sunday, Monday, Tuesday & Wednesday out at Kelly Park in Orange County, they'll be doing 3,000 vaccinations per day at first come, first serve. He said in the next couple of days we'll have some good news about Apopka as far as Covid vaccinations so we're still working on this.

He said our Jeans Wednesday fundraiser raises money for various causes and said we have a gentleman in Dispatch who is going through cancer and thanked all of the City employees for the outpouring of support was really heartwarming and he really appreciated it. He stated that we have another employee in Finance also going through cancer so we'll be raising money to help her in the month of March and said please keep them in your prayers.

He said lastly, we have the barbeque competition and hometown concert on April 10th. John Hanson has been working hard on the barbeque side and trying to get our teams in here. He said our hometown concert has been set other than making sure that Jeremias is able to start out our concert. He said Britany Callahan is on board. The Elks Lodge will be doing a Corn Hole tournament and Wekiva High School, may be doing some cooking demonstrations as well as selling some of their own barbeque and hot sauce. There will be demo grills and what not for people to take a look at courtesy of Chef Bates. He said things are moving great and we're so excited to be a part of Apopka.

ADJOURNMENT - There being no further business the meeting adjourned at 5:18 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk