

CITY OF APOPKA

Minutes of the City Council regular meeting held on March 2, 2022 at 1:30p.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

PRESS PRESENT: John Peery, The Apopka Chief

INVOCATION – Commissioner Bankson lead the meeting in pray, the Pledge of Allegiance, and the fact of the day. On March 1, 1861 the Cross Florida Railroad was completed. This rail system stretched 156 miles and went from Fernandina to Cedar Key. It was longest railroad to be built, in Florida, prior to the Civil War.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of February 16, 2022.

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

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

PROCLAMATION

1. World Teen Mental Wellness Day Presented to the Apopka Youth Council
Presented by Mayor Nelson

Mayor Nelson stated that Apopka Youth Works has taken on Youth Mental Health, as their yearly platform. The proclamation read as follows: “Whereas ADHD, Anxiety problems, behavioral problems, and depression are the most commonly diagnosed mental disorders in children, and whereas mental struggles, unfortunately are common in teens, making up 16% of disease and injury in people ages 10 to 19. And whereas 1 out of every 5, 20.2% of students report being bullied and 41% of students, who reported being bullied at school, indicated that they think the bullying will happen again. Students who experience bullying are at an increased risk for depression, anxiety, sleep

difficulties, lower academic achievement, and dropping out of school, as well as being at an increased risk for suicide related behavior. Whereas suicide is the third leading cause of death, for youth, between the ages of 10 and 24 years old, claiming 46,000 lives annual. Whereas world teen mental wellness day is observed across the globe, on March 2nd every year. This is a day that aims to raise awareness about the mental health issues that teenagers deal with on a daily basis. This day is about making efforts to educate everyone and destigmatize mental health conditions across the world. Mental wellness is an important aspect of health and overall emotional well-beings.

March 2, 2022 is proclaimed to be World Teen Mental Health Wellness Day.

Kadence Touson, with the **Apopka Youth Council**, stated that they have been working closely with the Apopka Area Chamber of Commerce to make this day happen. We are also having a mental wellness day fair on both March 11th and March 12th.

Those present with the Apopka Youth Council took a photo with the City Council.

PRESENTATION

1. Apopka City Center North – Winn Dixie – Construction Site Plan
Presented by: Allyson Williams

Allyson Williams, Planner I, stated that on February 9, 2022 the DRC approved the construction site plan for Winn-Dixie. The subject property is located at 611 E Main Street, north of 436 and east of South McGee. The site contains three vehicular access points off of 436, South McGee, and Monroe, a total of 240 parking are provided, of which seven are accessible spaces. The applicant proposes Florida Flame Red Maples, Southern Live Oaks, and Sable Palms. The DRC recommends approval and staff and the applicant are available for questions.

Commissioner Becker clarified that it is not for approval, it is just a presentation.

2. Apopka City Center Development Update
Presented by: James Hitt

James Hitt, Community Development Director, stated that this next portion is for the rest of the City Center' a few years ago, we did do a new developers agreement. He gave a visual presentation of the maps and proposed development.

Commissioner Bankson asked if we are pushing Code Enforcement for the Burger King corner, so it will elevate to the level that we are aiming for.

James Hitt stated that he is getting mixed signals from Burger King. He keeps hearing that no one is there; he will see one or two cars there every so often. Taurus did tell him that they will be reaching out to Burger King to get that property.

Mayor Nelson stated that is it no owned by Burger King, it is owned by Reit.

Commissioner Smith asked if we can talk to DOT and ask if we can get the beeping noise at the cross walk. **James Hitt** stated that traffic wise, it works good if there is not a lot of noise, but when you get to a crosswalk where traffic is 25-35mph, with that much noise, the only people that would hear is, is those that are walking.

Pam Richmond stated that he has talked to DOT about that, they have certain rules, but we are going to get something more enhanced than what we have there. We will get an upgrade, it may be visual, such as pavement and lightening, but we are going to do it and make sure DOT lets us.

3. The Trekking Group/Camp Wewa
Presented by: Brian Forman and Olivier Petit

Brian Foreman stated that they have been working on this since August. There was a visual layout displayed to see the climbing wall, zip lining, and other elements for adult and kids courses. The proposed term length is 10 years with two 5-year renewal terms. For the first three years, we are looking t not taking any rent form them, to make sure they are financially secure. Going into the fourth year it will be 3% and starting in the fourth year it is 5% and after that, 10%. They are proposing to put in \$350,000 of capital, they will do all of the operating and repair expenses. Up until \$160,000 of capital that they put in the City does not do anything. After they get to \$160,000 of capital investment, then the city matches that 50%, at a rate of \$120,000 a year. For example, if they put in \$400,000 we would pay them \$20,000 a year for 10 years. Their projected gross revenue ranges from \$346,000 in year one, to in year three \$512,000, then \$780,000 in year five. Proposed pricing for zip line, so far, is \$40 for the zip line, \$35 for the park, \$10 to be in the net area, 15% resident discount, and 40% discount for camp registrants.

Commissioner Bankson said that he is very excited for opportunity, he believes it is a great ala cart that will draw interest there.

Mayor Nelson asked for clarification on if Olivier Petit would be taking over all of the sporting and **Brian Forman** stated that they are still working on it.

Commissioner Becker asked if there is a revenue share built into that agreement and **Brian Foreman** said that it is initially zero, but over the years it builds from five to ten percent. **Commissioner Becker** asked if they are full owner-operator and **Brian Forman** said yes. **Commissioner Becker** then asked what happens after the term of the agreement. **Olivier Petit** stated that after ten years they have the possibility to renew

with two terms of five years. After that they have the possibility to sell to another company, under the contract, with the City's approval.

Michael Rodriguez, City Attorney, stated that he has already sent the first draft of the agreement to the Trekking Group, for their review. While it is modeled after the Daytona Beach agreement, there are some significant differences between their relationship with us and their relationship with Daytona Beach. Mainly, the biggest difference is that the City is actually going to be providing funding to partially fund the construction, so there are certain obligations that differ from Daytona Beach. The Daytona Beach agreement constituted a use permit, in which, they went on to a city park. I think the facility in Daytona Beach is going to be different, because you are not going to incorporate our vegetation and trees; the facility that is proposed for Camp Wewa is a free-standing, so there are certain other differences and certain other obligations. We are in the midst of negotiations, right now.

Commissioner Bankson asked how the liability is covered and **Michael Rodriguez** stated that it is their operating, their use. **Commissioner Bankson** stated that even though we are investing in part of the infrastructure the liability is still carried by them and **Michael Rodriguez** stated the agreement still has the liability similar to what their liability relations are, in regards to Daytona Beach. The question is and what will be up for negotiation is what will happen to the infrastructure, should they elect to leave. Because the city has basically helped fund about 50% of this, there is a question to whether the city is going to take some ownership stake in the infrastructure that is being placed on their property, because of the contribution on the part of the city and for the first three years, they will be operating on the public property, rent free. It is currently all up for negotiations.

Commissioner Bankson asked it if will be heavily marketed and **Olivier Petit** stated that they have a big marketing company that works for them in Canada and can work in the USA as well. We have recently re-organized in Daytona and created a new position for someone to market for us in Daytona. If we arrive at a good agreement with you and we create this project, at that moment we will bring our expertise in marketing.

4. Edgewood-Greenwood Cemetery Platting Update
Presented by: Susan Bone

Susan Bone, City Clerk, stated that we are down to 32 single spaces, 6 side by side only, 9 double-depths, and approximately 88 cremains spaces left. We have undergone the process of have additional areas re-platted. She gave a visual presentation of the tracts. The first section will be as you come in the main gate, you will make a right into a circular driveway, around the area. That section will have an additional 630 spaces.

The second section will be in the overflow, off of highland, as you come in, by the dog park entrance. This area will have an additional 560 spaces. Lastly, the third section, which is also right off of the main gate, will have 30 blocks of 14 spaces, then a half block of 7 spaces. The platting has been reviewed by staff, we have returned it to Southeastern for their finalization, so we should have the final plat in-house by mid-March. Once we record the plat, we can start selling the new sections. The current fee schedule is what we approved back in October of 2020, which is \$1,000 for a resident and \$1,400 for a non-resident. With that \$200 of that goes into the cemetery perpetual fund that we established, so that we can continue the maintenance and perpetuity for the cemetery.

Mayor Nelson stated that with the \$200 that we have been taking and putting in that perpetual fund, we started in 2020, we now have \$49,000, in that fund. As we get these all filled hopefully that maintenance will be covered by that fund.

Commissioner Bankson stated that **Commission Velazquez** would like to know if the children's area is expanded. **Susan Bone** stated that we still do have some spaces in the children's area. **Commissioner Bankson** clarified, so it has not expanded, but we do still have spaces available and **Susan Bone** confirmed, yes.

Commissioner Smith asked how soon this is expected to be done and **Susan Bone** said that by the end of the month, we should be ready to start selling. **Commissioner Smith** then asked about the construction of the road and **Susan Bone** stated that is something that Public Services is working on, it is in the budget. **Commissioner Smith** said that at the last meeting there was some concern about some of the roads being bad. We said we were waiting until we did this, to repair those roads. **Edward Bass, City Administrator** stated that are hopes are to finish the platting, so that we know where everything is going to be platted. Public Services will then come back with a road plan.

AGENDA REVIEW

Edward Bass said there are no changes to the Agenda.

PUBLIC COMMENT PERIOD

Leroy Bell, 2308 Blue Meadows Ct Apopka, FL 32703, thanked Commissioner Smith and stated twenty years ago, to this day, you officiated and laid my father to rest. Mr. Land came and wrote a proclamation that every March 2nd, in Apopka, is Reverend Willie Bell Day. Our family will forever be grateful to you, for that. He was a man of great integrity, a man that had one hundred and seventy young black, African-American kids, off the street, in Apopka. It is hard to see, he was a police officer for ten years, here

in Apopka, under the Chief Tom Collins. They worked with the kids, the policed the kids differently. It was disheartening to see how an eleven-year-old kid was treated about his own bicycle. Something has to happen. We are spending all this money on Camp Wewa, no problem at all; the City probably needs it, but you can find some way to spend some of this money on police training. You can spend it on how the interact with these kids and with the citizens of Apopka. I will end with you, Commissioner Bankson. On last meeting night, you declared that you were going to run for thirty-nine; I would like to sit down and I would like to bring three sworn statements to you, that people are willing to testify, that you claimed that someone pulled a knife on your son. Your son was trying to bully a fifty-nine year old, disabled veteran. It was citizens that passed by that saw what transpired, and you came in and made it seem like someone was just down on your son. Now, we talk about prejudice, when we sit down and talk about this sworn statement, we walk to go back and talk about the 'n' word coming out of your church, we want to talk about the dirty Mexicans coming out of your church. Mayor, once and for all, I want to say to you, you got some pretty good advice and I pray to God that you stick with it. Stick to real estate and leave law to the real lawyers. Again, thank you Commissioner Smith and we are forever grateful for you. **Commissioner Bankson** said, I have avoided this for a long time, but you sir are the one that pulled the knife on my son. I went there, when I heard there was a disturbance and that there were things going back and forth between the man and my son, who were both holding signs. When I got here, I had a very good talk with him, there was much peace and everything was fine. I had no idea that those things had come about. Then, we got the call about what happened, we have it on recording of what you said and all the foul things that you said. We did file the report, but we did not press the charges, because I do not want there to be further division. I am not sure what all of the issues are, as I told you before, I have tried to sit down and meet with you for several years, my door is wide open. The accusation that you said about these different words, they are egregious and we have dealt with these things, they are not something that we support or sponsor in any way, shape, or form. Did not come from me and did not come from my church that is false accusation. **Leroy Bell** said I can come the next meeting night and put them up, when your brother said these things, when your niece, Abby Bankson said 'the dirty Mexican' and 'he just a nigger.' **Commissioner Bankson** said that his brother never said those things and was appalled that his teenage daughter spoke that were egregious. She got up before our church and repented, she dealt with those things, and she sought council and got offline to deal with that. Teenagers say things all the time, but these are not things that we approve, we dealt with. My own brother never said those type of words, would

never say that and he himself stepped out of a place in ministry to make sure he was ministering directly to his family. These things were absolutely addressed and integrity and in virtual. We appall those words; I have never used them myself and do not condone anyone doing such. This is slander.

After more back and forth debate, **Commissioner Becker** asked for a point of order and **City Attorney Michael Rodriguez** instructed the City Clerk and Council to move on to the next speaker.

Rod Olson, 3156 Rolling Hills Lanes Apopka, FL 32712, thanked the commissioner for what they do for the community. He stated that he is here to talk about backflow preventers. He said I think as a service to the community, the City of Apopka should take care of it; take it out of the hands of homeowners. One homeowner has paid \$485 and another homeowner, a retired colonel in the army has paid \$883.95. This is ludicrous. A plumber makes anything from \$85 to \$140 an hour, the dual check valve that is being proposed is \$190-\$200 wholesale and the repair kit \$30. The Ford model, which is the model the City has right now, is about \$100 in value, wholesale. The unit will not fit in the box, which is currently there, so it requires additional labor to get it done, to the tune of another \$150-\$250. The Zuro model, and another approved model of the State is \$180 at wholesale and installation is \$100- \$200. Therefore, homeowners are all in \$250-\$500. Units and repair kits are in limited quality. Repair kits are in limited quantity right now. The homeowner can install it safely by himself then it is up to the City to take a look

Sylvester Hall, 3091 Rolling Hills Lane Apopka FL 32417 stated that his mission is to bring love and prosperity to all of the communities in the USA, starting with South Apopka. It all goes back to leadership. He gave a photo presentation and reiterated his opinion for coming together and ending poverty.

David Hoffman, 3610 Tayside Court, said that last fall on November 2nd Apopka City Officials, Mayor Nelson, and City Attorney Michael Rodriguez informed Rocks Springs Ridge citizens, that the City would no longer be engaged with us, in our efforts to strike a bargain, with the golf group. On exception stood out; the sale and development of the 51-acres tortoise preserve, to raise money to buy the closed golf course, would necessitate a zone change for all of Rocks Springs Ridge, thus City officials informed us, we were on our own and that we should expect no further help from City Hall. What

is democracy? Mr. Hoffman went on to express his opinion of the need of all-inclusive democracy.

CONSENT (Action Item)

1. Execute Release of Code Enforcement Lien for Sprint Master Funding X, LLC – 488 East Main Street, Apopka, Florida
2. Approve fireworks proposal with Zambelli Fireworks for the City's 4th of July even.
3. Authorize the Police Department to dispose of the intoxilier 5000 and donate the intoxilier 8000 to the Florida Department of Law

MOTION by Commissioner by Bankson and seconded by Commissioner Smith to approve the three (3) items on consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Approve the Apopka 429 Major Development Plan for Buildings
Presented by: Bobby Howell

Bobby Howell, Planning Manager, stated that the subject property is located southwest of US 441, west of the Apopka Airport, and the major development plan details the construction of infrastructure servicing three warehouse building totally 2,501,200 square feet in area. The buildings will be access by Apopka Logistics Parkway and park of the comprehensive plan 20% of the parking spaces for each building will be constructed of pervious materials. Storm water is proposed for discharge into five (5) ponds that are located throughout the site. The Development Review Committee recommends approval, the Planning Commission Unanimously recommended approval, and the recommended motion for this afternoon is to approve the buildings with the Apopka 429 major development plan.

MOTION by Commissioner Bankson and seconded by Commissioner Becker to approve the Apopka 429 major development plan for buildings. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

2. Approve the Oakview Major Development Plan

Presented by: Phil Martinez

Phil Martinez, Planner II, stated that the applicant is proposing a major development plan for a 113 single-family lot subdivision known as Oakview. The subject property is located south of West Kelly Park Road and east of Round Lake Road. The surrounding area consists of residential and agricultural properties. The major development plans shows 113 single-family lots with a minimum lot width of 55ft. The proposed minimum living area is 1,600sq feet and access to the site is proposed off the West Kelly Park road, to the north. Four vehicular and pedestrian future access points are proposed with an additional 3 future pedestrian access points. The DRC and Planning Commission unanimously recommend approval and the recommended motion for this afternoon is to approve the Oakview major development plan.

MOTION by Commissioner Becker and seconded by Commissioner Smith to approve the Oakview Major Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

3. Approve the contract for purchase of 4.24 gross acres of real property (Parcel ID: 22-21-28-0000-00-144) located at 556 Snowden Road, Apopka, FL 32703, in the amount of \$212,000.00.

Presented by: Vladimir Simonovski

Vladimir Simonovski stated that the first request is approve the contract for purchase of 4.24 gross acres of real property, located at 556 Snowden Road, Apopka, FL 32703, in the amount of \$212,000.00. The second request is to approve the contract for purchase of 0.34 gross acres of real property, located at Snowden Road, Apopka, FL 32703, in the amount of \$17,000.00. The funding source will be coming out of the reserves.

MOTION by Commissioner Smith and seconded by Commissioner Bankson to approve the contract for purchase of 4.24 acres located at 556 Snowden Road, in the amount of \$212,000.00. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

4. Approve the contract for purchase of 0.34 gross acres of real property (Parcel ID: 22-21-28-0000-00-128) located at Snowden Road, Apopka, FL 32703, in the amount of \$17,000.00.

Presented by: Vladimir Simonovski

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve the contract for purchase of 0.34 acres of real property, located at Snowden Road, in the amount of \$17,000.00. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2900 - First Reading - Small Scale - Future Land Use Amendment From: "County" Rural
To: "City" Industrial
Owner: E & H Clarcona, LLC.
Applicant: Andrew Engelmann c/o Dave Schmitt Engineering Location: East of Coral Hills Road and west of Clarcona Road Project: 1.34 +/- acres
Project Manager: Allyson Williams

Allyson Williams, Planner I, stated that the subject property is located east of Coral Hills Road and west of Clarcona Road. The property was annexed into the City on December 15, 2021 via ordinance number 2890. The applicant is requesting a small scale future land use amendment to change the future use designation from county rural to city industrial. The application is being processed simultaneously with an application to rezone the subject property to county A1 to IL light industrial. The DRC and Planning Commission recommends approval.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez to approve ordinance 2900 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

2. Ordinance No. 2901 - First Reading - Change of Zoning - Clarcona Road Property
From: "County" A-1 (Citrus Rural District)
To: "City" I-L (Light Industrial District) Owner: E & H Clarcona, LLC.
Applicant: Andrew Engelmann c/o Dave Schmitt Engineering Location: East of Coral Hills Road and west of Clarcona Road Project: 1.34 +/- acres
Project Manager: Allyson Williams

Allyson Williams, Planner I, stated that the subject property is located east of Coral Hills Road and west of Clarcona Road. The proposed development is an industrial

warehouse and the request is to re-zone a 1.34 acre parcel of land from County A1 Citrus Rural District to IL Light Industrial. The DRC and Planning Commission recommend approval.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve ordinance number 2901 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

3. Ordinance No. 2903 - Abandonment of the Kelly Park Crossing Development of Regional Impact and its associated Development Order
Presented by: James Hitt

This item has been withdrawn by City Staff.

4. Ordinance No. 2904 -First Reading - Amendment to Land Development Code definition of "tobacco shop"
Presented by: Michael Rodriguez

Michael Rodriguez, City Attorney, stated that the item before you has come before the Council several different times for several different reasons. We are not here at the culmination of the settlement agreement that was entered into between the City and the property owner. What is presented here today is the amendment of the land development code, which seeks to amend the definition of tobacco shop, in the code, to bring it to be consistent with the current definitions for tobacco related products, in Florida statutes. We believe that by amending the code definition, it will bring our ordinances in line with the statute and therefore resolve the dispute between the City and the property owner and also alleviate any concerns that the City may have in the future in regards to any possible preemption, in regards to the regulation of tobacco related products. It also clarifies to inconsistency that was in our prior land development code, when it came to tobacco related products and tobacco substitute products. Staff recommends to proceed forward.

Commissioner Bankson stated that he appreciates Mr. Sagari, as he has presented those things. The areas of concern that I gave, that you have chosen to not push those forward, things that are more hazardous to our young people. I appreciate and respect that.

MOTION by Commissioner Becker and seconded by Commissioner Velazquez to approve ordinance 2904 at first reading and hold it over for a second reading and

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

5. Ordinance No. 2905 - First Reading - Annexation - 345 West Orange Blossom Trail
Owner: Vision Car Wash Tow, LLC c/o Brandon Peterson
Applicant: Brandon Peterson
Location: 345 West Orange Blossom Trail Project: 0.23 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez, Community Development Department, stated that this is a request to accept ordinance number 2905, the annexation of a parcel owned by Vision Car Wash Two. The parcel is located at 345 W Orange Blossom Trail, north of US 441, south of Dixie Hwy, and west of Hawthorne Ave. Approximately only a quarter of an acre in size. The parcel is an enclave abutting the City jurisdiction on its northern, southern, and eastern, and western boundaries. The DRC recommends approval and the recommended motion is to accept ordinance number 2905 and hold it over for second reading and adoption, on March 16, 2022.

MOTION by Commissioner Bankson and seconded by Commissioner Becker to approve ordinance number 2905 at first reading and hold it over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

6. Ordinance No. 2911 - First Reading - Non-exclusive franchise to Lake Apopka Natural Gas District for a ten-year period, approving Natural Gas Distribution Franchise Agreement Between City of Apopka and Lake Apopka Natural Gas District Presented by: Michael Rodriguez

Michael Rodriguez, City Attorney, stated that the ordinance presented today is the renewal and extension of the existing franchise agreement between the City and the Lake Apopka Natural Gas District. The district was established, by the state in 1959 with authority to construct an operating gas system in portions of orange and lake counties, to provide natural gas to customers in the certain designated areas. For the purpose of serving customers in the various cities, this district has been granted franchises, by these cities, permitting the district to own and operate a natural gas system in the incorporated areas, of those citites. The most recent franchise agreement between the city and the district was executed on May 20, 2002 for a term of five (5) years with the option to extend the agreement for an additional five (5) years, if service is

satisfactory. After May 20, 2012 the district continued making franchise fee payments to the City in furtherance of the May 20, 2002 agreement. The City and district now intend to memorialize the extension of the franchise by entering into the franchise agreement before you today, with a new term of ten (10) years with the city option of an additional ten (10) years if service satisfactory. The district shall pay the City a sum of presenting 6% of gross revenues derived from the sale of natural gas to all customers within the franchise area. Staff is recommending that we accept the first reading of ordinance number 2911 and hold it over for second reading and adoption on March 16, 2022.

MOTION by Commissioner Smith and seconded by Commissioner Becker to approve ordinance number 2911 at first reading and hold it over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

7. Ordinance No. 2913 - First Reading -Annexation - 2523 West Kelly Park Road Owner: Robert T. Hutter and Alana J. Hutter
Applicant: Toll Brothers, Inc. c/o G L Summit Engineering, Inc. Location: 2523 West Kelly Park Road
Project: 9.53 +/- acres
Project Manager: Allyson Williams

Allyson Williams, Planner I, stated that the request is to annex the 9.23 acre parcel into the City of Apopka, the subject property is located north of West Kelly Park Road and east of Plymouth Sorrento Road. The subject property is contiguous to city limits and is eligible to annexation pursuant to Florida Statute 171. The DRC Recommends approval.

MOTION by Commissioner Becker and seconded by Commissioner Bankson to approve ordinance number 2913 at first reading and hold it over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez had nothing further to report or discuss.

Commissioner Bankson bragged on Mrs. Hazel as they got to celebrate her 102nd birthday today. She is an amazing lady.

Commissioner Smith had nothing further to report or discuss.

Commissioner Becker reminded the public to go out and vote. Early voting began yesterday, over 300 people have already voted at the VFW.

CITY ADMINISTRATOR'S REPORT

1. Financial Update

Edward Bass, City Administrator, stated that he has some positive news. The variance is a little over \$400,000 to the positive, which is a great thing. We continue to move forward on sales tax; we continue to watch this, but we are almost 4% above what we budgeted or what the state gave us as an estimate. We are over 4% of what we did last year. On another note, I did take to the auditors late this morning and they gave me some preliminary numbers; if you recall in FY21 we projected to use the reserves of about \$900,000 to balance our budget for '21, I am pretty confident they have given me an unaudited number, but it does not look like we will have to dip into the reserves to complete FY21. What is also good about that, is that Camp Wewa was purchased in FY21. Even with the purchase of Camp Wewa in FY21 we still did not have to go into the reserves, but keep in mind we had those Duke Energy dollars and we had utility tax, as well. So, those helped with the purchase of camp Wewa. We have also not received the million grant, we are still putting those documents together, so you will still have those dollars to go back in.

CITY ATTORNEY'S REPORT

Michael Rodriguez, City Attorney, stated that on Monday we closed on the sale of what is known as the Sandpiper Parcel; we did receive the proceeds of that sale. I think we are almost done with the final transfer of the airport property, so we should be closing on that transfer soon. **Commissioner Velazquez** asked if they are still going to do a restaurant there and **Michael Rodriguez** stated that he does not know what their current plans are.

MAYOR'S REPORT

1. Rock Springs Ridge Golf Course Update

Mayor Nelson stated that they had a meeting with the golf group and the HOA and he thinks they have come up with someone of an agreement, but it is always subject to change. The golf group will pay the HOA \$1.2 million dollars, it will fix their clubhouse room, the irrigation system at the clubhouse, and repave the clubhouse parking lot. The 51 acres that they are going to transfer, they will have a 200 foot buffer from Sand Wedge Loop and the City of Apopka will help facility the cleaning

up of the planned development documents. If there are any issues with the pond liners at Rock Springs Ridge; it is already in the agreement that we are to pay half, but it looks like they have a half-life of over 100 years, because they have soil on top of the liner, keeping it from sunlight. The challenge of the gopher turquoise relocation still remains. The more problematic area will be if they can move the conservation easement from that 51 acres to somewhere else.

Commissioner Becker asked why we keep say ‘clean up the PUD,’ it is not our responsibility to do that and any change to the PUD would have to be applied for by the applicants or the landowners within that PUD boundaries. **Mayor Nelson** stated correct, now what we have to do is give them the ability to build on the 51 acres and we want to close down the ability to build on any more houses on what is already, currently there. **Michael Rodriquez, City Attorney**, stated that it will depend on what is submitted and it is not a City initiated amendment. However, one of the things that the City can take into consideration is whether it’s going to be a changing in the land uses. It is up the HOA and the golf group if they intend to submit to change the land use of the golf course property. **Commissioner Becker** stated that he does not want to repeat what happened last year, making comments on the City’s involvement. **Michael Rodriquez, City Attorney**, stated that this is a private real estate transaction between two private parties. The end result of the transaction is still going to result in needing and application to be submitted to the City in order to process to be examined to be voted on, just like any other property owner within the City limits.

2. Legislative Update on HB 1431 City of Apopka

Mayor Nelson stated the HB 1431 passed in full house on February 28th. It is now in messages at the Senate and we are just waiting on their final approval. Hopefully we will get that done, which will give us more opprtunties for small resturants to come into the CRA in Apopka.

3. Update on Apopka Police Department and Orange County Sheriff’s Office Partnership

Mayor Nelson stated that we now have an arrangement with Duke and he thinks Orange County and Apopka are coming together on additional cameras to give us additional surveillance on some of the high crime areas. It is working very well. I think Duke has really stepped up and wants to be a partner in helping us and helping Orange County to make sure that we have the cameras in places, where we can start to reduce crime.

He went on to state that the ground breaking of the Adult Education Learning Center across from Wheatley and it will be a great asset to South Apopka.

He also stated that he had the opportunity to watch our hot asphalt paving machine, last week. He also stated that we have closed Loral Street yesterday and today, finishing that up, which will not only help us keep Dream Lake clean ,but it will also give the Dream Lake and Apopka Middle School students the ability to go down and take water samples and take a real interest in water quality. It will be up and running within the next 30-days. On March 22nd the auction for the 202 acres will be held for Rochelle Holdings. Lastly, He played a visual intro for the Never Stop Believe Journey Tribute Band

ADJOURNMENT - There being no further business the meeting adjourned at 3:11 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk