CITY OF APOPKA MINUTES
Minutes of the City Council Meeting held on March 1, 2023 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 (Absent)
- City Attorney, Michael Rodriguez

INVOCATION & PLEDGE OF ALLEGIANCE: Commissioner Smith provided the Invocation and led in the Pledge of Allegiance. He then read the fact of the day as follows: On March 5, 1770, a mob of American colonists gathered at the Customs House in Boston and began taunting the British soldiers guarding the building. The protesters, who called themselves Patriots, were protesting the occupation of their city by British troops, who were sent to Boston in 1768 to enforce unpopular taxation measures passed by British parliament without American representation. British Captain Thomas Preston ordered his men to fix their bayonets and join the guards outside the building. The colonists responded by throwing snowballs and other objects at the British. One soldier was hit, leading him to discharge his rifle at the crowd and the other soldiers began firing moments later. When the smoke cleared, five colonists were dead or dying. The deaths of the five men in the Boston Massacre are regarded by some historians as the first fatalities in the American Revolutionary War.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of February 1. 2023.
2. Regular Council Meeting Minutes of February 15, 2023.
   - **a.** **Mayor Nelson** asked if there were any changes, additions or subtractions.
   - **b.** Hearing none, he asked for a motion to approve the two sets of minutes.
   - **c.** **Motion** by **Commissioner Becker** and seconded by **Commissioner Nesta** to approve the two sets of minutes.
   - **d.** **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

AGENDA REVIEW

No changes to the Agenda.

PRESENTATION

1. RAISE Grant Application for Widening Ocoee Apopka Road
   Presented by: Pam Richmond

Pam Richmond, Transportation Coordinator, stated that RAISE funding is for critical freight and passenger transportation infrastructure projects where funding is harder to support, through other DOT grant programs. The grant request is for funds for construction on Ocoee Apopka road, to go from two lanes to four lanes, from Harmon Rd to Hawthorn. The construction also includes a twelve-foot multi-use trail that will also connect with the downtown trail that's about to start construction. In addition to widening the roads, the grants will cover the cost of the trail and access management and other safety improvements along the corridor. For example, a signal at Boy Scout Road. We felt the City had a good chance in receiving an award because the project is located between two census tracks, which are area of persistent poverty and a history of disadvantage communities, which is a key component of the grant application and it strengthens the application that we submitted. This is a competitive grant with $1.15 billion dollars available in the 2023 program. We have asked for about $17 million dollars with a commitment of $4.3 million dollars match, should we receive the award. The transportation impact fee money, in reserves, will be used for the match. We should hear something back from USDOT in about four months.

Commissioner Becker gave kudos for going after this grant and stated that this is critical for the City.

PUBLIC COMMENT

Gannon Stokes, of 1780 Lake Brantley Rd, Apopka, FL, owner of Old Kinderhook Glass, stated that he is here to talk about the owner/operator of Porkies BBQ, Steve White. He stated that Mr. White has support people in the community for over twenty -years, including feeding those in need, feeding the firefighters, and during inflation, dropping his prices to better serve the community. He went on to invite everyone to Porkies BBQ tonight at 6:00pm, as they are doing a surprise party to present Mr. White with a plaque to signify his twenty-years of business and thank him for this unwavering support for the community. He also asked that March 1st be proclaimed at 'Steve White Porkies BBQ Day.'

Dennis New, of 105 W Magnolia Street Apopka, FL stated that over the years he has come here and spoke of properties in disrepair and infrastructure needs. He stated that all these things are symptomatic of poor management, poor leadership, and a general disregard for the city. He stated that the Gannon Report demonstrates damming conditions within the City's fire department; employees of the city won't speak out because of the fear of being retaliated against or fired. He continued to express is concern and disappointed with city leaders, including the Fire Chief, Chief Attorney, and the Mayor.

Rod Olson, of 3156 Rolling Hills Lane Apopka, FL stated that he noticed that there are eight new development proposals on the agenda today and he challenged the Commission to look at each proposal and ask themselves three questions, before approval: 1) how will the citizens of Apopka benefit, 2) how will our children benefit, and 3) are the schools able to accommodate. Next, he spoke on the fields at the Northwest Recreational Complex; they are in the worst condition ever. It is being used year around and it has been years since they have done the winter reseeding and letting the fields rest. Next, he stated that Buddy Blues will be playing at Saturday

Sounds this weekend and he is wonderful. Furthermore, he stated that he read the Gannon Report line by line and the City must stop making excuses and take action.

Alex Klepper, of 894 Stirling Drive Winter Springs, FL President of the Apopka Professional Firefights, stated that the Apopka Professional Firefighters Executive Board conducted a polling of their membership and a confidence vote, regarding the continued leaders of Fire Chief Sean Wylam. The union members make up nearly 90% of the active workforce, with greater than six months on the job; the results of that polling came back with 85% voting in the affirmative that Fire Chief Sean Wylam does not have the competence or the ability to lead the Apopka Fire Department forward and provide a safe and proactive environment for continued well-managed growth. Let us be clear, we do not feel that Fire Chief Sean Wylam is a bad person or acts with malicious intent, but has become clear that he is and has been incapable of competently managing the men and woman who have dedicated and given their lives in service to the Apopka Fire Department. He went on to express opinions on Chief Wylam's 'failures.' Ultimately, Mr. Klepper asked for the termination of Fire Chief Wylam.

Michael Duran, of 11504 Almo Ct Clermont, FL stated that against everyone's wishes, two Gannon workshops were canceled within twenty-four hours of the actual workshop. At the last council meeting, Commissioner Becker stressed to the Mayor that this workshop should not take place and we all agreed. The Gannon Report is not up for negotiation, they were hired to do a report and they did it. He went on to express his disgust with an email sent from the City Attorney, in response to an email from Commissioner Becker. He also stated that from day one, they have gotten resistance from the city, which in turn provoked the claim from the Duran Family against the City. He further stated that the Fire Chief nor the Mayor and his administration ever reached out to Firefighter Austin or his family. All meetings were upon the initiation of his [Michael Duran] own. Mr. Duran went on to urge the council to hire Gannon's services to fix the issues stated in the report.

Ace Woodham, of 47 E Magnolia Street Apopka, FL, stated that this has been going on for four year; about his [Fire Chief Wylam] ability to run the fire department and the concerns of the safety of the firefighters; but it took the death of a young firefighter to get this far, and we are still not settled. He stated that the commissioners do not have the authority to terminate him, only the Mayor.

Albert Mckimmie, of 3603 Golden Gem Rd Apopka, FL discussed 'legal ease' and its connection to the fire department. He spoke on professionalism, or lack thereof, regarding the City Attorney. He further questioned the City Attorney's advice and 'misrepresentations.'

Sylvester Hall, of 3091 Rolling Hills Lane Apopka, FL express his concerns with the lack of leadership and now asking for accountability from the council. He asked for a motion to be made to replace the fire chief and terminate the city attorney.

David Hoffman, of 3610 Tayside Drive, state that on today's agenda there are references to zoning changes linked to planned development applications submitted for Apopka City action. He asked that the council please teach to the issue of zoning and planned development application. He pointed out several issues, including: 1) what is zoning fundamentally and what is its purpose, 2) what does zoning need for city officials, these days, 3) how has the zoning changed over time,

4) to what extent has zoning changes and the dynamic that drives them so much as to expedite "build, build, build, grow, grow, grow, as fast as we can go, growth and development mantra, 5) is there as observed checklist.

Commissioner Becker apologized to all the senior staff that were in City Hall on yesterday, for his behavior. He had a private meeting another staff member that turned unprofessional, on both sides. He also apologized to the member, in this chamber, who's meeting that was, as well. He stated that he is passionate about things and a lot of that stems along with what was being discussed in this room tonight; one of which is be accused of politics. He stated that he tries to use politics for good purposes versus bad; there are politics involved in running the City. He stated that he does think the council needs to sit behind closed doors and have a frank discussion with one another, without public scrutiny. He stated that after public hearings today, he feels that they need to enter an executive session, because he would like to talk on two HR terms and not air those thoughts out to the public realm. He would like to lay out what his experience has been, with certain members of the senior staff and he feels passionate that they no longer have his trust and they serve this entire body total. He made a motion that an executive session is entered after the public hearing session of the council meeting, with the city clerk present, for documentation purposes. **Commissioner Nesta** seconded the motion and asked if the executive session would need to be noticed first. **Michael Rodriguez, City Attorney**, stated that a meeting as such as proposed, is inconsistent with the Sunshine Law. A local government can only have an executive session to discuss settlement negotiations in relation to litigation. It is not permissible under Florida Statute 268. **Commissioner Becker** stated that he is trying to be respectful to claims that he is playing politics; this should not be aired out, in front of the public realm. He asked, what opportunity does the council have to have that conversation and prevent it from being in the public realm. **Michael Rodriguez** stated that Florida Sunshine Law is very strong and if the collegiate body is meeting, it must meet in the sunshine, unless is falls under the explicit exceptions, under the statute, which include: collective bargaining discussions and to discuss settlement of pending litigation.

CONSENT (Action Item)

1. Execute release of Code Enforcement Lien - 951 South Highland Avenue, Apopka, FL.
2. Execute release of Code Enforcement Lien - 22 South Lake Avenue, Apopka, FL
3. Authorize the Mayor to sign a Musical Services Contract with The Orlando Philharmonic Orchestra, Inc. for a Spring Pops Concert at the Apopka Amphitheater on March 18, 2023.
4. Approve the Kelly Park South - School Concurrency Mitigation Agreement and authorize the Mayor to sign the Agreement.
5. Approve The Ridge - School Concurrency Mitigation Agreement and authorize the Mayor to sign the Agreement.
6. Authorize the execution of piggyback contracts for fiscal year 2023: North America Fire Equipment NAFECO and AWP, Inc. dba Area Wide Protective.

   a. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.

      Commissioner Nesta referenced that the City will be selling tables at the Orchestra.

Commissioner Velazquez asked for a brief explanation of item numbers four and five. **Jean Sanchez, Planning Manager,** stated that whenever you get a property entitled they go through a school capacity process and once they get a major development plan and plat recorded, they need to have a concurrence agreement with the school, so this is the State required concurrence agreement that each party must go through. Because it is a tri-party agreement the School Board, the City, and the developer must sign off.

b. Hearing no additional questions or comments, he asked for a motion to approve the six (6) items on Consent.
c. **Motion** by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve the six (6) items on Consent.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

1. Major Development Plan - Natura Vista
Owner(s): Natura Vista, LLC
Applicant(s): Cycorp Engineering, Inc. c/o Kim Fischer, P.E.
Location: 4185 West Orange Blossom Trail and 4160 Wilkins Street
Project: 3.09 +/- acres; 46 Multi-family units
Density: 14.89 dwelling units per acre
Project Manager: Jean Sanchez

Jean Sanchez, Planning Manager, stated that this property is located on the southeast corner of Wilkins Street and Orange Blossom Trail, approximately 3.09 acres in size. The aerial shows residential uses on the north and east, Windward Hills Planned Development on the south, and Orlando Apopka Airport on the west. The Natura Vista - Major Development Plan (MDP) details the construction of 46 multi-family units within the MU-ES-GT (Mixed-Use – East Shore – Gateway) Subdistrict. The project consists of two apartment buildings and two garage buildings with a proposed building height of almost 40 feet. A total 84 of 69 parking spaces are required and the applicant is proposing 98 spaces including four accessible spaces. The MDP shows a side along the project frontage on SR 441, connecting to an internal walkway and a continuation of the sidewalk to the Wilkins Street frontage. The applicant is required to preserve 0.3 acre, 10% of the project area, for active and passive recreation and amenity. The applicant is proposing approximately one acre for a dog park and green space. The SR 441 and frontages are decorated with a mix of Southern Magnolias and Crepe Myrtles. Winged Elms adorn the landscaped parking islands. This project will have two full access connections to Wilkins Street, which is more than adequate to serve a development of this size. The applicant is required to rebuild Wilkins Street and widen slightly so it meets minimum City standards. A right turn lane will be striped on Wilkins Street so the through movement and right turn movement on westbound Wilkins Street are separate lanes. Finally, a modified right turn lane will be constructed on US 441 to allow driver wishing to make a right turn on to Wilkins Street to move right out of the lane of traffic while making the turn. DRC recommends approval and at its meeting on February 4, 2023 the Planning Commission unanimously recommended approval. The recommended motion is to approve.

Commissioner Nesta stated that for other residential properties, in projects like this, we require pools and asked why this one is not similar. **Jean Sanchez** stated that it is the number of units. There is a threshold on the code; if you reach 250 count, you are required to have a certain number, that includes a pool and anything above that, you are required to have another set of amenities.

Kim Fisher, of 1416 White Dove Drive Winter Springs, FL stated that she is the engineer on behalf of he owner, who is also here. They both agree with staff and they thank staff for working with them, on this property. They are here to answer and technically questions and asked to reserve time for rebuttal, if needed.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.

Dennis New, 105 W Magnolia Street, Apopka, FL stated that he looks at the plans and he sees parking spaces that don't add up to at least two spaces per unit and it also enters and exits on to Wilkins Road. For those who have lived here long enough know that Wilkins Road was the second driveway to the McDonald Property, it was not a street, it is not well improved with the underlying, and there is no way out of the back. There is no light there and we are adding to the parking congestion. He stated 'how long are we going to keep cramming these places in?'

David Croson, of 1321 Apopka Airport Road Unit 80, Apopka, FL stated he is a property owner and pilot at the airport and he is also on the HOA Board, at the airport. He said that over a year ago they were speaking on this property and he pointed out some of the problems and issues that were brought up at that time and are still relevant. He stated that their goal is to maintain the value of the airport for the community and for the city in perpetuity. A healthy and viable airport is good for everyone. Not many cities have small airports, the closes ones are at Orlando Executive, Leesburg, and Sanford. He stated that when you mix residential use and airports, there will be problems later (i.e., noise complaints). He suggested that a noise study be performed.

Gregory Kelsoe, of 1321 Apopka Airport Rd, Apopka, FL stated that he is also a property owner at the Apopka Airport. He stated that the City Code was adopted on March 6, 2019 and he is very surprised that staff would not tell council that the code specifically states that a noise study must be done and meet other criteria.

Albert Mckimmie, of 3603 Golden Gem Rd Apopka, FL stated that a recent workshop they were discussing developments within the City, and at that workshop they spoke about 5,000 new homes being provided, but at that same workshop they were told that there was no infrastructure for education, yet. He expressed that he finds it alarming that there continues to be property development, without providing infrastructure for schooling.

Sylvester Hall, of 3091 Rolling Hills Lane Apopka, FL stated his suggestion for having a consultant on projects, such as this. He stated that it is embarrassing when there are members of the public coming in and reading our code, which we should already know and should have already applied before being bought to council.

Jim Hitt, Community Development Director, stated when they did the rezoning for this property, they differed the noise study to the applicant to complete. In addition to that, in accordance to our code, where noise studies are incomplete, the property must be contiguous to the airport. This is across the 441, it is not directly adjacent to the property itself. **Michael Rodriquez, City Attorney**, stated that the way the code is written, it says an area contiguous to the runway, to the sides of the runway and the end of the runway. So, you will go 1,000 feet from the edge of the runway out on either side and then 1,000 feet from each end of the runway. That is your area, if you do not have a noise study that creates the noise contours. **James Hitt** and **Mayor Nelson** both stated that they will not begin development, until they [the applicant] completes the noise study. **Mayor Nelson** asked if it does not meet the maximum noise limits, can they come back with changes to meet the study criteria and **Michael Rodriquez** stated that he cannot answer that question.
Joe S., 1101 North Lake Destiny Road Maitland, FL, representative of Natura Vista, LLC – the applicant, stated that they discussed this at the rezone, which was approved last year. They had a noise study completed and the executive summary has been given to council. Furthermore, he said that number five of the executive summary states that the airport is compatible with residential use, at the proposed site, using the FAA noise criteria. Sounds from US 441 and other sources, far exceed the sounds from the airport. Number four states that even if there are thirty times the number of current flights, that occurred at the airport on the days that the study was performed, would still be below the sixty-five-decibel threshold. There is a lot of room for growth and development at the airport.

After further discussion, **Commissioner Nesta** stated that he is uncomfortable voting either way, now. He would like to take a deeper dive into all the statutes that were given today, to better understand what they mean. **Michael Rodriguez** stated that the threshold issues is ‘does it qualify as an airport under the Federal Regulations,’ which are then going to trigger how much FAA Regulations are on the airport. When we are talking about a noise study to determine the noise contours of an airport, the study is performed by the governing agency of the airport. The airport is not owned by the City of Apopka. The question then becomes, what is the definition of airport. Under the Federal Regulations, in 14 CRF 150.7 Airport is a public use airport, including heliports, as defined by the ASNAA act, which includes any airport which is used or to be used for public purposes under the control of a public agency, the landing area which is publicly owned. The second criteria are any privately-owned airport, but is qualified as a privately-owned reliever airport. The third criteria are any privately-owned airport which is determined by the secretary to enplane annually 2,500 or more passengers and to receive scheduled passenger service of aircraft which is used or to be used for public purposes. **Commissioner Becker** asked if staff testimony to say that all necessary sound studies have been completed, up to the standard of the council approving this item. **Mayor Nelson** stated that he agrees to table this matter, to the next public meeting.

b. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Smith** to table the Natura Vista – Major Development Plan and carry it over to the next meeting.

c. **Motion carried unanimously**, with Mayor Nelson, and Commissioner Becker, Nesta, Smith, and Velazquez voting aye.

2. Major Development Plan - Northstar Logistics Center II
Owner(s): CLPF Cadence Northstar Phase II, LLC c/o Todd Watson, Manager
Applicant(s): Florida Engineering Group c/o Sam J. Sebaali, P.E.
Location: 735 and 815 Johns Road
Project: 26.49 +/- acres; 240,517 square feet in area
Project Manager: Jean Sanchez

Jean Sanchez, Planning Manager, stated that this property is located on the northwest corner of Johns Road and State Road 451, approximately 26.4 acres in size. The Aerial shows an industrial complex on the east and residential uses on the north, west, and south. The applicant has submitted a Major Development Plan for an industrial warehouse center that includes two buildings, located north of Johns Road and west of S.R. 451 and are approximately 26.49 acres in size. The buildings total 240,517 square feet in area and are proposed to be single story with a maximum height of 45 feet. While 79 parking spaces are required for both buildings, 271 parking spaces are proposed by the applicant. 107 In addition to the building setback of 131 feet, there is an existing opaque fence, as well as, proposal of Southern Magnolia, Winged Elm, Shumard Oak, and High-Rise Live Oak trees adjacent to Lakeside Residential Subdivision. The applicant meets the open space requirement with the proposal of a mulch trail along the top of Pond 1, the easternmost portion of the project area, which connects to the pedestrian walkway at the front of the site. The site is designed in accordance with the requirements and intent of the Land Development Code. Two entrances are proposed with right turn lanes to serve the project from Johns Road on the south side of the project site. The DRC recommends approval, at its February 14, 2023 meeting the Planning Commission unanimously recommended approval of the MDP. The recommended motion is to approve the Northstar Logistics Center II – Major Development Plan.

Commissioner Nesta asked if we have heard from residents in the surrounding area, at all.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.

Tim Ford, of 1413 Waterview Ridge, Apopka, FL stated that he is opposing this project; there was communication on this, no sign or public notice. He stated that he is the Vice President of the HOA and there has been no communication. He asked the council to either table or deny this item and have the developer come and speak with the community.

Commissioner Velazquez asked if there were notices sent and **Jean Sanchez** stated that there are no public hearing notices for major development plans (MDP). Some MDPs, as decided by the Community Development Director, would be required to have a pre-application community meeting. This is entitled for industrial future land use and for light industrial (IL). The proposed use is consistent with what is permitted on there, they meet all the site design standards, as well. **Tim Ford** stated that he understands that they meet the standards; however, he does feel that they should meet with the community first. He also stated that this is a two-lane road and they already have a bad traffic problem at Bradshaw and Johns Road now; with this there will be more. **Jim Hitt, Community Development Director** stated that he does not recall waiving the requirement for a public meeting, for this project, because it is adjacent to the property owners/subdivision. He added that the development does meet the requirements and a little more, regarding the setbacks for the buildings, themselves. **Sam J. Sebaali with Florida Engineering Group, of 5127 S Orange Ave Orlando, FL** stated that he is here on behalf of the owner. He stated that the community meeting is optional. As for the site, it is zoned industrial, it had an existing use on it, which pre-dates the single-family residential development. What they are proposing is consistent with the City Code; they meet all standards and are not asking for a waiver. They amount of development they are proposing is 1/3 of the maximum allowed on this site. They are willing to sit down and talk with the residential community. **Mayor Nelson** stated that he would like to have a community meeting with the two residential neighbors. After further discuss on if residents were notified, **Jim Hitt** recommended tabling this item and carrying over to the first meeting in April.

b. **Motion** by **Commissioner Smith** and seconded by **Commissioner Velazquez** to table the Major Development Plan - Northstar Logistics Center II and carry it over to the April 5, 2023 meeting.

c. **Motion carried unanimously**, with Mayor Nelson, and Commissioner Becker, Nesta, Smith, and Velazquez voting aye.

3. Major Development Plan - Wingspan/ABC Kelly Park
Owner(s): PM S-1 REO, LLC, Harvey Godwin, Sapp Rodney D. Life Estate Rem: Sandra D Sapp
Applicant(s): Poulos and Bennett, LLC c/o R. Lance Bennett, P.E.
Location: Northwest corner of Kelly Park Road and Plymouth Sorrento Road
Project: 21.36 +/- acres; 46 Multi-family units; 45,200 square feet of non-residential uses
Density: 18 dwelling units per acre and 0.75 floor area ratio
Project Manager: Jean Sanchez

Jean Sanchez, Planning Manager, stated that correct number of units is 368 multi-family units and 42,500 square feet of non-residential square footage. The property is located at the northwest corner of Kelly Park Rd and Plymouth Sorrento Rd and approximately 21.36 acres, in size. The Master Plan for this development was approved on September 31, 2022 as a companion to rezoning Ordinance Number 2936. he MDP proposes a total of 368 multi-family units, encompassing 156 one-bedroom units, 168 twobedroom units and 44 three-bedroom units, approximately 18 dwelling units per acre. The commercial development consists of 45,200 square feet for restaurants, retail and office uses with a proposed total floor area ratio of 0.75. Full access with right and left turn lanes is proposed on Kelly Park Road. At the time Kelly Park Road is widened to four lanes, the full access may be closed off by a median resulting in a right-in-right-out only or a right-in-right-out-left in access connection to the site. Cross connections to the west and north are also provided. The amenity/open space program comprises of 2.74 acres that includes covered pavilion; pocket parks with benches; plazas; pool with deck and lounge areas; green, passive spaces and a playground. The project site is embellished with Red Maple, Southern Magnolia, Live Oak, Japanese Blueberry and Dahoon Holly trees. The DRC recommends approval, at its February 14, 2023 meeting the Planning Commission unanimously recommended approval of the MDP. The recommended motion is to approve the Major Development Plan. Staff and applicant are available for questions.

a. Mayor Nelson asked if anyone had any questions about any of this item.

Albert Mckimmie, of 3603 Golden Gem Rd Apopka, FL expressed his opposition for this project, due to no school plans for the area.

Dennis New, 105 W Magnolia Street Apopka, FL expressed his concern with infrastructure, in regards to more people and developments.

Rod Olson, of 3156 Rolling Hills Lane Apopka, FL expressed his concerns, as also stated on a prior item: 1) how does this project benefit the citizens, 2) what's the plans for the schools, and 3) what are he plans for improving infrastructure.

Commissioner Becker stated that in terms of school capacity, we are not doing any land use; those reservations should have been on Orange County to determine what they future land use would have been here, in terms of maximum density, etc. He asked this would be not new changes versus what they would be expecting right now. **Jean Sanchez** stated that the school capacity was entitled at this project for future land use and zoning, but they will go through a school concurrence agreement, as well. **Commissioner Becker** then stated that it is probably time for us to go back down to OCPS. He also stated that he believes that something we can do to promote economic development is the idea that we are growing in a responsible manner, because economic development is development. In a responsible way.

The developer, on behalf of the applicant stated that this project is consistent with the Comp. Plan, with zoning, and with Kelly Park Interchange Overlay. They have worked with city staff and they do comply with the land use code and previously, through this process they did have a community meeting where notices were sent out. They are vested for schools but they did have a concurrency management agreement that was approved by Orange County Public Schools on January 24th and it does result in this project paying about $2.8 million dollars in just capital school impact fees. **Commissioner Becker** clarified that the density level of 18 is below the maximum density of 24. **Commissioner Nesta** asked if they already have prospective tenants lined up for the commercial spaces. The response was that there are a few letter of intent (LOIs) out and the client looks forward to announcing some of that publicly, soon.

b. Hearing no additional questions or comments, he asked for a motion to approve the Major Development Plan - Wingspan/ABC Kelly Park
c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve the Major Development Plan - Wingspan/ABC Kelly Park
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

4. Major Development Plan - Oaks at Monroe
Owner(s): Apopka Monroe Development, LLC
Applicant(s): Cycorp Engineering, Inc. c/o Kim Fischer, P.E.
Location: 730 Monroe Avenue
Project: 5.74 +/- acres; 46 Multi-family units
Density: 14.98 dwelling units per acre
Project Manager: Jean Sanchez

Jean Sanchez stated that the property is located north of SR 436 and south of Monroe Ave and approximately 7.44 acres in size. The aerial shows residential units on the north, commercial uses on the east and south, and proposed commercial on the west. The Oaks at Monroe - Major Development Plan (MDP) comprises of 86 multi-family units within the MU-D (Mixed-Use – Downtown) zoning district. The project consists of three apartment buildings, in which each unit has a minimum living area of 750 square feet. The proposed building height is 41.3 feet. A total of 128 parking spaces are required and the applicant is proposing 140 spaces including eight accessible spaces. The MDP shows a walkway leading to the sidewalk along SR 436. 183 The applicant is required to preserve 10% of the project area for open space/amenity and they are proposing 17%, approximately one acre. The amenity program includes a clubhouse, pool and a dog park. The SR 436 frontage is embellished with Yaupon Holly and preserved Oak trees. Live Oaks and Southern Magnolias are placed along the western and eastern boundaries. Live Oaks line the front Monroe Avenue frontage. This project will have a single access to the roadway network on Monroe Avenue. A secondary emergency access will also be provided on Monroe Avenue via stabilized surface and locked gate. The project also has cross connectivity to the west near the southwest corner of the project. Based on the City's Land Development Code Section 5.16.5.B.3.d.2, "…there shall be a rebuttal presumption that a left turn lane shall be required for all residential and nonresidential developments unless waived by the City Council." Therefore, at Construction Site Plan review, the project will be required to include a left turn lane on Monroe Avenue at the site entrance. The DRC recommends approval, at its February 14, 2023 meeting the Planning Commission unanimously recommended approval of the MDP. The recommended motion is to approve the Major Development Plan. Staff and applicant are available for questions.

Commissioner Nesta asked if they are concerned about the traffic at the intersection of Christiana and Monroe.

Pam Richmond, Transportation Coordinator, stated that we are a little concerned about it, but there is nothing we can do about it until that property comes in. Whenever they come in and develop, we will make that a proper 4-way stop. We tried to get this development to make a connection on the northern side of their property, so once those properties come in and develop their entrance can be modified so that everything moves to the west and comes out; so, we can have the traffic control, but they could not make that work. So, because of not being able to have an access on 436 they have one entrance for all their traffic, hence the need for the left turn lane. **Commissioner Nesta** asked if there is anything planned for the site to the west, yet and **Pam Richmond** said no. The City tried to talk to them, on behalf of this development, the applicant tried to talk to them, as well. They have an idea for their property, they are zoned commercial and they have been paying commercial taxes. They want to do something there that is 'spectacular' so they can recoup their losses. She stated that they don't know what that is, right now and they are not prepared to do it right now. **Commissioner Smith** asked about the left turn lane and Pam Richmond stated that the left turn lane will be for traffic headed west turning left into the site. **Commissioner Smith** then asked once the four-way stop is implemented will it line up with Christiana and **Pam Richmond** stated yes, when the next development comes in.

a. Mayor Nelson asked if anyone had any questions about any of this item.

Dennis New, of 105 W Magnolia Street Apopka, FL stated that this was originally part of the downtown city center plan. He stated that we still have no accomplished anything with that.

Rod Olson, of 3156 Rolling Hills Lane Apopka, FL stated that he will not let the schools go; we are the fourth largest school district in the state and you must add the three top school districts together to match the number of trailers Orange County enjoys. In eighteen years, only one-time OCPS said no. We must team with Orange County to go to Tallahassee.

Kim Fisher, of 1614 White Dove Drive Winter Springs, FL stated that she is here on behalf of the applicant and with her is the attorney and the traffic engineer. They agree with staff, with the exception of the left turn lane. As you see the plan presented, there is no turn lane shown and that is because we are just now hearing about this requirement. We have a traffic study that does not warrant a left turn lane. She stated that she believes there is maybe a peak of 13 left turns in to the property. Furthermore, there is a left station at the corner and if we do a left turn lane we will have taper that would extend beyond our property, in places that we don't have control of. We would not be able to dedicate right of way and we would have no way of moving that lift station. Between this being a last-minute thing to us, and the traffic study not agreeing that one is warranted since the peak left lane is thirteen, we have no physical way of getting a turn lane in here. Both to the left and right will have to taper from trying to widen Monroe. Once you widen Monroe its going to be more of a safety issue because people will want to go even faster. **Mayor Nelson** asked Pam when was the left turn lane recommended and **Pam Richmond** stated that the rebuttal presumption has been in the land code since before she began working here. She stated that it is not her responsibility to tell every developer to read the land code; she spent most of her time with this developer working on the access that they wanted on SR 436. She said a modified left turn lane can be done. **Kim Fisher** stated that there is only one property between this property and Winn-Dixie and Winn-Dixie has an entrance on to Monroe and no turn lane. **Premier Traffic Group** stated that they did turn lane warrant analysis and based on the warrants typically used, a turn lane is not warranted, studies showed one every six minutes, which is low value. It was stated that the concern of putting a turn lane here would hurt the effectiveness and the safety of putting a turn lane at the 'T' intersection when the property itself develops.

Scott Baker, of 315 E Robinson Street Orlando, FL, attorney on behalf of the applicant stated that the code says that there is a rebuttable presumption and the only substantial evidence in the file today is from the traffic engineer that clear rebuts that presumption, so we are asking you to let us proceed with the plans presented.

Commissioner Nesta asked if the council has a copy of the traffic study and stated that he does not have it. **Commissioner Becker** stated that council cannot take verbal testimony, they would need a copy of the traffic study, along with the rebut from staff. **Pam Richmond** stated that the traffic volume has grown and she gave exact number from Southwick Commons: On 6th Street in 2020 the daily count was 787 trips on the segment between Alabama and 441. In 2023 that number has grown to 2,560 and she expects that we will see a similar increase on Monroe. They are required by law to provide safe and adequate access to their site and a left turn lane provides another layer of safety to get people into that site. **Scott Baker** stated that the traffic count volumes are not the type of analysis on whether a turn lane is required. That would be what our engineer's report is for and he did testify that no turn lane is needed. **Michael Rodriguez, City Attorney** stated that the argument of the left turn lane is premature because this an approval of the Major Development Plan and in staff's comments it states that the left turn lane will be addressed at the construction plan review. At that point will be the property time to have the presentation. The Major Development Plan can move forward. **Kim Fisher** stated that they are not slated to come back here again, they have already looked at this with a traffic turn lane and a widening does not fit. So, to look at that and come back a second time, for a re-design that we have already looked at, that does not fit, we have hindrances to do a left turn lane. We would have to redesign to do a right-of-way dedication to accommodate a left turn lane. That is a different issue, but the problem is, once we do the proper tapers for a left turn lane, we will encroach on property that is not controlled by us and there is a lift station that would prohibit us from doing a widening in that area. She stated that staff has the traffic study, it may not be in the report, but that was required and done on submittal number one.

b. Hearing no additional questions or comments, he asked for a motion to approve the Major Development Plan – Oaks at Monroe.

c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Becker** to approve the Major Development Plan – Oaks at Monroe.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

5. Authorize the Mayor to sign a Recreational Professional Services Agreement with Florida Economic Consortium to provide youth and teen mentoring and tutoring classes at the Billie Dean Center and other various Apopka Parks and Recreation facilities.
Presented by: Radley Williams

Radley Williams, Recreation Director stated that these are revenue sharing agreements at the 80/20 split so we are not outlaying any budgeting funds for those programs; we are simply partnering in an area that we see benefit to grow out recreational an enrichment programming by utilizing facilities that we have space and time available for. Florida Economic Consortium as an organization to provide mentoring and tutoring programming called The Butterfly Effect, Inc. at the Billie Dean Center for teenage girls. The program provides confidence building, leadership skills, career development, age appropriate activities, along with one-on-one and group mentoring.

Commissioner Nesta asked if they have exclusive rights and **Radley Williams** stated that they do not have exclusive rights and it is a short agreement, one-year terms. The proposed agreement would expire on December 31, 2023, with renewals brought back to Council annually, if desired by the Parks and Recreation Department.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.

Rod Love, President of the Florida Economic Consortium, is currently in six counties throughout the state; the concentrated area currently is in the City of Orlando – Ivey Lane, Mercy Drive, Rosemont, etc. They provide direct services, but their focus is building capacity for organizations. **Commissioner Nesta** asked who in the community have they contracted with to lead it and **Rod Love** stated that they have contracted with The Butterfly Effect. They also have that contract in the Ivey Lane community where they are providing services to 25-30 young ladies.

Dennis New, of 105 W Magnolia Street Apopka, FL stated his concern regarding both authorizations based on who they were awarded to, in the past.

Sylvester Hall, of 3091 Rolling Hills Lane Apopka, FL spoke in opposition to this contract.

Hezekiah Bradford stated that we have an issue of pointing fingers at one another. Expressed that there are times when we look at tutoring and how we are going to do it, it goes back to ‘how do you feel’ and ‘do you think there is a need.’ He provided the council with a book of their guidelines of how they want and are going to things, in regards to this program.

Radley Williams reiterated that this program is on an 80/20 revenue sharing with the City of Apopka.

Commissioner Nesta asked where does the funding for the program come from, are the students charged, and are their opportunities for scholarships. Rod Love stated that they do not receive any funding from the City of Apopka; all their funding comes through a competitive bid process from Orange County. The students/families do not pay anything.

b. Hearing no additional questions or comments, he asked for a motion to authorize the Mayor to sign a Recreational Professional Services Agreement with Florida Economic Consortium to provide youth and teen mentoring and tutoring classes at the Billie Dean Center and other various Apopka Parks and Recreation facilities.
c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to authorize the Mayor to sign a Recreational Professional Services Agreement with Florida Economic Consortium to provide youth and teen mentoring and tutoring classes at the Billie Dean Center and other various Apopka Parks and Recreation facilities.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

6. Authorize the Mayor to sign a Recreational Professional Services Agreement with LTL Athletics, LLC DBA Super Soccer Stars Orlando to provide youth soccer lessons and programming.
Presented by: Radley Williams

Radley Williams, Recreation Director, stated that the City will hold all control of game/practice schedules. They are also doing some amendments to the fields to help with the upkeep of the field. The program does offer scholarships to those in need, of anywhere from twenty to forty percent. This program also operates the Shining Star Soccer Program, which teaches soccer skills to developmentally challenged children. The contract is the same structure as the last agreement (i.e., insurance, etc.).

a. **Mayor Nelson** asked if anyone had any questions about any of this item.
b. Hearing no additional questions or comments, he asked for a motion to authorize the Mayor to sign a Recreational Professional Services Agreement with LTL Athletics, LLC DBA Super Soccer Stars Orlando to provide youth soccer lessons and programming.
c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to authorize the Mayor to sign a Recreational Professional Services Agreement with LTL Athletics, LLC DBA Super Soccer Stars Orlando to provide youth soccer lessons and programming.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

7. Southwick Commons Left Turn Lane Requirement
Presented by: Pam Richmond

Pam Richmond, Transportation Coordinator, stated that per City code there is a rebuttal presumption that left turn lanes are required at the entrance of all developments. If an applicant or developer does not want to install a left turn lane, council has the authority to waive the left turn lane, if asked. The developer has asked council to consider a waiver of the left turn lane; however, staff believes that the left turn lane requirement should be enforced. Southwick Commons is located on the southeast corner of East 6th Street and Alabama Ave; it will have 370 bedrooms, 195 apartments, with 349 parking spaces. The project will generate 1,326 daily trips and 104 p.m. peak hour trips. She stated that it is her firm opinion that a left turn lane should be required for this site.

Commissioner Becker asked if this is another quasi-judicial and **Michael Rodriguez** stated yes, because it is the equivalent of a variance. **Commissioner Becker** asked if City Council has full discretion to say yes or no. **Michael Rodriguez** stated that if their decision is based solely on the evidence presented, they will be fine.

The applicant pointed out exactly where staff is requesting a left turn lane, which is on 6th Street. It is currently a three-way stop and once they build their entrance it will be a four-way stop. They are asking that one leg of the four-way stop skew
the road and have two places that you stop, so the person who is stopped turning left will have someone to their right who is stopped going through. The applicant went through portions of the City code and their signed and sealed traffic study. ***Copies of this study is available upon request.***

Commissioner Nesta stated that there are huge differences in the traffic study presented by the applicant and the traffic study presented by staff. **The applicant** stated that their traffic study divided into P.M. peak in, P.M. peak out, and for the P.M. peak ins whether they will be coming from the east, west or north.

Commissioner Velazquez stated that she has a concern because we built new sidewalks there and they will be ripped up to create this left lane. She went on to ask who would be financially responsible and **Pam Richmond** stated 'them'.

Commissioner Becker asked if they did submit a traffic study/report, why did the council not receive a copy. He went on to ask if we install a left turn lane, how far east does it expand and going west bound, is there any plans to expand the road. He stated that he thought the whole point of 6th Street would be road dieting, where it would become walkable and we would prioritize foot traffic over car traffic. **Pam Richmond** stated that he believes the turn lane is important because we do have on street parking and traffic will back up at a certain time of day; this will allow residents to turn in more conveniently.

The discussion of if the project onsite or offsite came about. **Michael Rodriguez** read the code definition of onsite improvements.

A copy of the code and all presentations are available upon request.

After much discussion **Mayor Nelson** asked Michael Rodriguez if there is clean up needed, so that the code can be made clearer and **Michael Rodriguez** stated that the development agreement is only as good as whether it can be supported by code.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.
b. Hearing no additional questions or comments, he asked for a motion to waive the left turn lane requirement.
c. **Motion** by **Commissioner Smith** and seconded by **Commissioner Nesta** to waive the left turn lane requirement.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

8. Authorize the City Engineer to renew the Class III Landfill Permit for the Vista Landfill, requested by Vista Landfill LLC.
Presented by: Richard Earp

Richard Earp, City Engineer, stated that this renewal does not change any of the conditions that they have been operating under since 2017; it is a continuation of their existing permit.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.
b. Hearing no additional questions or comments, he asked for a motion to authorize the City engineer to renew the Class III Landfill Permit for the Vista Landfill, requested by Vista Landfill LLC.
c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to authorize the City engineer to renew the Class III Landfill Permit for the Vista Landfill, requested by Vista Landfill LLC.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2957 - Second 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

No changes to this item.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.

b. Hearing no additional questions or comments, he asked for a motion to adopt Ordinance No. 2957.
c. **Motion** by **Commissioner Smith** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2957.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

2. Ordinance No. 2958 - Second 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

No changes to this item.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.
b. Hearing no additional questions or comments, he asked for a motion to adopt Ordinance No. 2958.
c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Becker** to adopt Ordinance No. 2958.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

3. Ordinance No. 2987 - Second Reading - Annexation - 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

No changes to this item.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.
b. Hearing no additional questions or comments, he asked for a motion to adopt Ordinance No. 2987.
c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 2987.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

4. Ordinance No. 2992 - Second Reading - PD Rezoning, Master Plan, PD Agreement and Major Development Plan - Shoppes at East Shore

Owner: Shoppes at East Shore, LLC
Applicant: Kimley-Horn and Associates, LLC c/o L. Jordan Draper, P.E.
Location: Northeast corner of Ocoee Apopka Road and Keene Road
Project: 28.02+/- acres; grocery store, commercial outparcels and age-restricted multi-family units
Density: 15 dwelling units per acre maximum
Project Manager: Jean Sanchez

Jean Sanchez, Planning Manager, stated that there are no changes but asked it to be noted that they are asking for the motion to adopt Ordinance Number 2992 as well as to approve the Master Plan, PD Agreement, and Major Development Plan.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.
b. Hearing no additional questions or comments, he asked for a motion to adopt Ordinance No. 2992 and approve the Master Plan, PD Agreement, and Major Development Plan.
c. **Motion** by **Commissioner Becker** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2992 and approve the Master Plan, PD Agreement, and Major Development Plan.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

5. Ordinance No. 2989 - First Reading - Comprehensive Plan - Small Scale - Future Land Use Amendment - Activ Living ILF
Owners: Housam Family Trust
Applicant: Lowndes Law Firm
Location: 2021 Old Dixie Highway
Tract Size: 10.42 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez, Planning Manager stated that this is to amend the future land use designation of 2021, Old Dixie Hwy from residential low to residential high.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.

Tera Tedrow, here on behalf of the applicant, gave a presentation showing new setbacks, amenity changes, and building changes. ***A copy of this presentation is available upon request.***

b. Hearing no additional questions or comments, he asked for a motion to approve Ordinance No. 2957 and hold it over for second reading and adoption on March 15, 2023.
c. **Motion** by **Commissioner Smith** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2957 and hold it over for second reading and adoption on March 15, 2023.

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

6. Ordinance No. 2990 - First Reading - Comprehensive Plan - Small-Scale Future Land Use Amendment - 1450 and 1520 West Kelly Park Road
Owner(s): Rafel Enrique Cestero Alicea
Applicant(s): Stephens Barrios Engineering c/o Carlos Barrios
Location: 1450 and 1520 West Kelly Park Road
Project: 10.11 +/- acres
Density: Maximum of two dwelling units per acre
Project Manager: Jean Sanchez

Jean Sanchez, Planning Manager, stated that this is to amend a future land use designation of 1450 and 1520 West Kelly Park from Residential Estates to Residential Very Low Suburban. The proposed Future Land Use designation of Residential Very Low Suburban is compatible with the area because properties in the vicinity have a Future Land Use designation of Residential Very Low Suburban. This designation is compatible with the requirement in Policy 3.5 of the Comprehensive Plan that properties north of Ponkan Road and west of Rock Springs Road are restricted to no more than two dwelling units per acre. This application is being processed simultaneously with an application to rezone the property from Transitional to RSF-1A (Residential Single-Family Estate) Zoning District. The DRC recommends approval, at its February 14, 2023 meeting the Planning Commission unanimously recommended approval. The recommended motion is to accept the first reading of Ordinance Number 2990 and hold it over for second reading and adoption on March 15, 2023 or soon thereafter. Staff and applicant are available for questions.

Commissioner Nesta stated that these types of developments will start creating lots of turn lanes in a very small area. He asked if we will have turn lanes and what type of requirements are there. **Pam Richmond** stated that they will be required to do turn lanes and ultimately the road will be widened. Everyone is donating right of way and the turn lanes that are there will be repurposed.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.
b. Hearing no additional questions or comments, he asked for a motion to approve Ordinance No. 2990 and hold it over for second reading and adoption on March 15, 2023.
c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2990 and hold it over for second reading and adoption on March 15, 2023.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

7. Ordinance No. 2991- First Reading - Change of Zoning - 1450 and 1520 West Kelly Park Road
Owner(s): Rafael Enrique Cestero Alicea

Applicant(s): Stephens Barrios Engineering c/o Carlos Barrios
Location: 1450 and 1520 West Kelly Park Road
Project: 10.11 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez, Planning Manager, stated that this is the companion ordinance of the proceeding item, changing the zoning of 1450 and 1520 West Kelly Park Road from T-Transitional to RSF1A- Residential Single-Family Estate Zoning District. the proposed Future Land Use designation of Very Low Density Suburban Residential and is compatible with residential development to the north, south and west. The DRC recommends approval, at its February 14, 2023 meeting the Planning Commission unanimously recommended approval. The recommended motion is to accept the first reading of Ordinance Number 29901 and hold it over for second reading and adoption on March 15, 2023 or soon thereafter. Staff and applicant are available for questions.

a. **Mayor Nelson** asked if anyone had any questions about any of this item.
b. Hearing no additional questions or comments, he asked for a motion to approve Ordinance No. 2991 and hold it over for second reading and adoption on March 15, 2023.
c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 2991 and hold it over for second reading and adoption on March 15, 2023.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

8. Ordinance No. 2994 - First Reading - Apopka Code of Ordinances – Land Development Code – Glitch Amendments #6
Applicant: City of Apopka
Project: To update, clarify and amend the content of the LDC
Project Manager: James Hitt

Jim Hitt, Community Development Director, stated that this is the 6th set of amendments to the Land Development Code (LDC). The Planning Commissioner saw this on February 14, 2023 and the second reading for council is scheduled for March 15, 2023. It has been advertised twice and the next is coming this Friday. Mr. Hitt went through the highlights of the amendments (i.e. bicycle parking, various definitions, etc.), as requested by the council. ***The audio recording and ordinance copy is available upon request and the live stream is available via YouTube.***

a. **Mayor Nelson** asked if anyone had any questions about any of this item.

Albert Mckimmie, of 3603 Golden Gem Rd Apopka, FL expressed that he is still waiting on answers from previous requests to the Planning and Zoning Department.

b. Hearing no additional questions or comments, he asked for a motion to approve Ordinance No. 2994 and hold it over for second reading and adoption on March 15, 2023.

c. **Motion** by **Commissioner Velazquez** and seconded by **Commissioner Smith** to adopt Ordinance No. 2994 and hold it over for second reading and adoption on March 15, 2023.

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

9. Ordinance No. 2995 - First Reading - Comprehensive Plan - Small-Scale Future Land Use Amendment - APK MA Board
Owner(s): City of Apopka
Applicant(s): City of Apopka
Location: Southeast corner of S. Hawthorne Avenue and M A Board Street
Project: 1.09 +/- acres
Density: Maximum of 7.5 dwelling units per acre
Project Manager: Jean Sanchez

Jim Hitt, Community Development Director, stated that this is property located on the south side of M A Board Street. It comprises just a hair over one acre. We have not inked any deals with anyone, and we are working with the Ministerial Alliance on this property. The DRC recommended approval. The Planning Commissioner voted 4-3 against doing the seven dwelling units per acre. The neighbor to the east came out and made a few statements in regards to this grandmother's property and the location of the fence. The fence was placed in the wrong location. They also stated that the property coming from the south leads right to his property; however, it does not, it runs right along the property line itself. Staff's recommendation is the seven dwelling units per acre. Any types of agreements that we have with the Ministerial Alliance, to do the affordable homes will be done with a development agreement, so that they get done in a timely fashion and that the homes will be considered affordable, in conjunction with Orange County and their affordable housing rate.

a. Mayor Nelson asked if anyone had any questions about any of this item.

Commissioner Velazquez asked was this piece of property a surplus; how did it get from the City to the Ministerial Alliance. **Jim Hitt** stated that it has not gotten to the Ministerial Alliance yet, we are looking to surplus it, if we can get the right amount of density for the property to get developed for that. **Commissioner Velazquez** asked if it does get surplus does it go out to bid and **Jim Hitt** stated that from his understanding the City does not have to go out to bid to surplus property. We can make arrangement with different entities for development or a sale of a property.

Commissioner Nesta stated that one discussion thought was that we are taking away extra parking for any events there. He understands that we are doing seventeen more spots on the northeast side, but his concern is that we are killing the opportunity for more events, on this site, and what that means for Alonzo Williams Park. **Radley Williams, Recreation Director,** stating that this was an item that he heard at DRC, as well. He then reached out to James Hitt and they are now attempting to reach out to the property north of the park which is owned by Quest, to see if there is any availability or interest to discuss/negotiate utilizing some of their property as our overflow parking lot. **Commissioner Nesta** asked if parking is also a concern of his [Radley Williams] and **Radley Williams** stated that parking is always a need.

Commissioner Smith stated that he is big on affordable housing and housing, in that area, would be a great asset to that community. He also stated that it would be to our advantage if we worked out something with Quest, because on the weekend, 90% of the people at the park, park on Quest property, anyway.

Sylvester Hall, 3091 Rolling Hills Lane Apopka, FL stated that he thinks its best to use it for parking for the park and for events in he area. He expressed that he believes this would not be comfortable living.

Rod Love, of he Landings in Apopka, FL stated that there was a task force that took place 4.5-5 years ago and in that task for report, it spoke about affordable housing. He highlighted some things that took place and done by that task force. ***A copy of that packet is available upon request.***

Tim Ford, of Lakeside Apopka, asked for clarification on if we are saying that we are going to purchase land from quest or are we looking for them to donate land.

Commissioner Becker stated that we are not there yet. The Ministerial Alliance does not own that property yet, it is still owned by the City of Apopka. We should really be decided if the area is compatible with what is trying to be done.

Commissioner Nesta stated that this is one of their only main parts for this area and it needs to be successful. The parking there is garbage; yes, we are getting seventeen more spots thee, but when and what will the quality be.

b. Hearing no additional questions or comments, he asked for a motion to approve Ordinance No. 2995 and hold it over for second reading and adoption on March 15, 2023.

c. **Motion** by **Commissioner Velazquez** and seconded by **Commissioner Smith** to adopt Ordinance No. 2995 and hold it over for second reading and adoption on March 15, 2023.

d. **Motion carried 4-1** with Mayor Nelson, and Commissioners Becker, Smith, & Velazquez voting aye and Commissioner Nesta voting nay.

10. Resolution No. 2023-06: Authorizing the Execution of a Non-Exclusive Franchise Agreement for Commercial Solid Waste Services with Horizon Dumpster Rental, LLC for Roll Off Container Collection and Disposal of waste within the City.

Presented by: Josh Robinson

a. **Mayor Nelson** asked if anyone had any questions about any of this item.
b. Hearing no additional questions or comments, he asked for a motion to adopt Resolution Number 2023-06.
c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Becker** to adopt Resolution Number2023-06.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Nesta stated that we are celebrating Woman's History Month. Don't forget the tables at the pop concert coming up, at the Orchestra they will be $100 per table. He asked for an update on the financial advisor and **Blanche Sherman, Finance Director** stated that it is out for bid and we have one set of questions that came in today and they did send it directly to certain vendors. **Commissioner Nesta** asked if there is a deadline and **Blanche Sherman** stated that they are trying to shorten it and make it within the next week or so. Commissioner Nesta went on to state that each project that goes to DRC goes to Planning Commission and to the Council, but to have an additional information column that lets us know how many more firefighters, officers, public service representatives, etc. that we need for each development, would be great. That was a good point made by the Police Chief.

Commissioner Smith stated that we heard a lot of comments tonight about schools and how they are overcrowded; however, he gave Melissa Bird a lot of credit for staying on top of it and making sure that this section of Orange County is not over looked. We need to put more pressure on our State elected officials because it is a state issues; OCPS's hands are tied. We went on to state that last month was Black History Month and there were several events that took place to celebrate the accomplishments of African-Americans. He attended several of those events; Apopka High School had one, Wolf Lake Elementary, which was outstanding, Wekiva High School, New Hope Baptist Church also had an event, in which the Mayor was in attendance, as well. He gave a shout out to the City of Apopka, Apopka Youth Council, and to the Apopka Historical Society for the event that was held at the Billie Dean Community Center. It was an outstanding event. There was also an event held at the Pink Tea Room where they highlighted three youth African-American authors. Last Saturday he, Commissioner Nesta, and School Board Member Bird helped with a cleanup at Apopka Middle School and found out that Apopka High School had one on the same day; it turned out to be a great event. There was a ground-breaking ceremony this week on Apopka Ocoee Road on a new Orange Technical College that will be opening in the Fall of 2024. It will replace the Technical Center that was in Winter Garden, once called Mid-Florida Tech. He is also in conversation with a firm that will be bringing a delegation of about twenty-five individuals here from Africa and he would like for the City of Apopka to be sister city. They will be May 2nd – May 5th, so he would like a proclamation ready for them, at that first council meeting. He also introduced this idea to the Orange County Board of County

Commissioners Agriculture Advisory Committee because they are interested in the Agriculture industry as well. Lastly, he asked that by next City Commission meeting he would like to set another meeting for the Annexation of the Un-incorporated parts of Apopka that would be great.

Commissioner Becker stated that ever meeting we are being challenged with our leadership or the lack thereof. A part of that is the Gannon Report that was going on, but it was my understanding that the department received an email stating we are moving on, but I don't understand that. Did we receive a final report and are we accepting that and are we going to be presented with the findings of that report? **Fire Chief Sean Wylam** stated that they are accepting the final draft as the final report. They are planning on vetting that report and presenting something at the next City Council Meeting. **Commissioner Becker** asked what, if anything is the administration doing in response to what was presented early this evening, the results of a vote of no confidence. He stated that he did not get a second to his motion of no confidence, so technically it is still an open item. He asked if there are any plans for change in leadership and the response was no. **Mayor Nelson** stated that we will look at the Gannon Report and analyze the things we need to change and move forward.

Commissioner Velazquez touched on the UCF Downtown Apopka Vision Plan. She stated that while at Saturday Sounds on February 18th she was approached by residents asking her if she can give them more information regarding the vision plan; however, there was a table there asking for a survey to be done, so she went back and spent about thirty-five minutes with the UCF Master students. She was told that it is a school project, they are collecting data, conducting interviews, etc. They told her who they had been talking to, so on Monday she came in and spoke to Pam Richmond and she stated that it was an oversight, she forgot to inform the council of it. She stated that the communication is something that she has constantly addressed; learning about projects, agreements, proposals, etc. are things that they are learning about up here and then being asked to vote for it. She does not know how to keep stressing that she would like a heads up. This past Monday, the students went back to their professor and he called her on the phone and she spent about thirty-five minutes with him on the phone and he gave her so much information. She asked the attorney and others to share information of things that are going on around our city, that is going to have an action from it. **Mayor Nelson** stated that in regards to the UCF Project, it was started ten months ago when Emily brought it up to us, through the contract they have with us. He had one meeting eight months ago and has not spoken to them since. He stated that there is no actionable item. **Jim Hitt** stated that this is a student project, the City did not see that flyer to even be able to approve it, anyone can do that type of thing and we may not know that they were doing it. Many people do petitions and surveys and use our logos that we don't know about. **Commissioner Becker** stated that it caught it off guard, as well, and it makes them look out of touch with what is going on in the City. **Jim Hitt** stated that he will get a summary of everything and get it to the council. Michael Rodriguez stated that it is an administrative issue and they need to sit down and come up with a standard of what threshold information needs to be passed on to the council. **Commissioner Velazquez** stated that this council is very active in their communities and they need to stay ahead on what is going on throughout the community.

Commissioner Nesta stated that he thought they were getting a fire update tonight and **Chief Wylam** stated that they will include that in their report. **Commissioner Nesta** also spoke to Attorney Michael Rodriguez in regards to the email that was forwarded out to Ms. Butcher, he feels that she is owed an apology. **Attorney Michael Rodriguez** stated that he will apologize if he statements offended her. **Mayor Nelson** stated that he would not do it, that statement did not deserve a response.

Commissioner Becker stated that when he arrived to his pre-agenda meeting yesterday the attorney was there and respectfully asked if he could have ten minutes of his time, to which he agreed. They went into his office, meanwhile, the rest of the staff stated in the administrative conference room and we had a dialogue. The dialogue ended in them both yelling at each other, but that was a private meeting. He stated that he is totally transparent when he steps out of line and he takes full ownership. We are human and we make mistakes, people will blame us for everything but how we chose to respond sets us apart and makes us leaders.

CITY ATTORNEY'S REPORT

Nothing to report.

MAYOR’S REPORT

Thank you to Dr. Jackson and the Historical Society for helping put the Legends of Apopka Event together. Also, tomorrow night the Apopka Youth Council will host the Teen Mental Health Townhall, it will start here at 6:00pm.

ADJOURNMENT

With there being no further business, to discuss, the meeting adjourned at 7:10 p.m.

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Bryan Nelson, Mayor

Attest: _______________________________________
Susan M. Bone, City Clerk

Transcribed by: ______________________________________
Victoria Parks, Deputy City Clerk