

APOPKA CITY COUNCIL MEETING AGENDA

August 2, 2023 1:30 PM

Apopka City Hall Council Chambers

APOPKA CITY COUNCIL MEETING WILL BE LIVE-STREAMED ON YOUTUBE. TO WATCH, PLEASE VISIT:

<https://www.youtube.com/CityofApopkaFL>

CALL TO ORDER

INVOCATION

PLEDGE

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of July 19, 2023.

AGENDA REVIEW

PRESENTATION

1. Training and Safety Update
Presented by: Sean Wylam, Fire Chief

PUBLIC COMMENT PERIOD

The Public Comment Period is for City-related issues that may or may not be on today's Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

CONSENT (Action Item)

1. Floor and Decor Plat
2. Execute Release of Code Enforcement Lien for 334 W Main Street
3. Execute Release of Code Enforcement Lien for 625 Rock Ridge Boulevard, Mt Berwick Drive, Gulf Land Drive
4. Employee Bonuses to Dispatch Employees
5. Authorize the issuance of evaluated and sole source memos: Fusus Inc.
6. Authorize the execution of piggyback contracts for the assigned terms: SP Plus Corporation

BUSINESS (Action Item)

1. Authorize street closures for The Armando Borias Jr. Scholarship Foundation "Together As One" Festival and coinciding 911 Memorial 5k Run special event.
Presented by: Radley Williams, Recreation Director
2. Authorize the issuance of evaluated and sole source memos: Institute for Human Development

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance Number 3018 - First Reading - Annexation - Word of Life Church
Owner(s): Word of Life Church of Apopka
Applicant(s): Darrell or Lisa Morgan
Location: 1853 Vick Road
Project: Word of Life Church of Apopka
Density: N/A
Project Manager: Bobby Howell
Presented by: Bobby Howell, Planning Manager
2. Ordinance Number 3017 - First Reading - Small-Scale Future Land Use Amendment - Community Health Centers
Owner(s): Community Health Centers, Inc.
Applicant(s): Erika Hughes, VHB
Location: 225 E. 7th Street
Project: Community Health Centers Small-Scale Future Land Use Amendment
Density: Maximum 2.0 FAR
Project Manager: Bobby Howell
Presented by: Bobby Howell, Planning Manager
3. Ordinance Number 3010 – First Reading – Small-Scale Future Land Use Amendment from Industrial to Commercial – Shake the Nations Property
Applicant requests to continue to a date certain of September 6, 2023.
Owner(s): Shake the Nations Ministries, Inc.
Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.
Location: 333 Semoran Commerce Place
Project: 2.4 +/- Acres
Density/Intensity: Proposed 0.25 Floor Area Ratio Maximum
Project Manager: Jean Sanchez
Presented by: Jean Sanchez, Senior Planner
4. Ordinance Number 3011 – First Reading – Change of Zoning from I-L (Light Industrial) to C-COR (Corridor Commercial) – Shake the Nations Property
Applicant requests to continue to a date certain of September 6, 2023.
Owner(s): Shake the Nations Ministries, Inc.
Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.
Location: 333 Semoran Commerce Place
Project: 2.4 +/- Acres
Project Manager: Jean Sanchez
Presented by: Jean Sanchez, Senior Planner
5. Resolution No. 2023-20 Censure
Presented by: Kyle Becker, Vice Mayor
Presented by:

CITY COUNCIL REPORTS

CITY ADMINISTRATOR'S REPORT

CITY ATTORNEY'S REPORT

MAYOR'S REPORT

ADJOURNMENT

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

CITY OF APOPKA MINUTES

Minutes of the City Council Meeting held on July 19, 2023 at 7:00 PM, in the City of Apopka Council Chambers.

Present:

- Mayor Bryan Nelson
- Commissioner Kyle Becker
- Commissioner Nick Nesta
- Commissioner Diane Velazquez
- Attorney Cliff Shepherd

INVOCATION & PLEDGE OF ALLEGIANCE: Mayor Nelson provided the Invocation and led in the Pledge of Allegiance. **Fact of the Day:** Viking 1, an unmanned U.S. planetary probe, was launched in 1975, arrived at Mars in June 1976 and on July 20, 1976, Viking 1 sent back the first close-up photographs of the rust-colored Martian surface.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of July 5, 2023
 - a. **Mayor Nelson** asked if anyone had any questions about either set of minutes.
 - b. Hearing further questions or comments, he asked for a motion to approve the regular council meeting minutes for July 5, 2023.
 - c. **Motion by Commissioner Becker** and seconded by **Commissioner Nesta** to approve the regular council meeting meetings for July 5, 2023.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, & Velazquez voting aye.

AGENDA REVIEW

PRESENTATION

1. Apopka High School Boy's Bowling Team National Championship
Presented by: Bryan Nelson, Mayor

Coach stated that the boys went undefeated in Districts and undefeated in State. They road through the competition and were able to get an invitation to go to Nationals, which was in Beaver Creek, Ohio. They were able to fundraise and raise the money to go. For the first time, this year we were able to take six boys with us; all six boys qualified as individuals out of 300+ boys. Jeremy Walker, from Apopka high School, finished 6th overall and Richard Coruso, also from Apopka High School, was the individual State Champion. This makes four Individual State Champions, in the history of Apopka High School. In the last ten years, we've had six State Championships, only lost one match during competition

play, and Apopka High School is one of two schools in the nation that has won two National Championships.

The players then spoke on their journey to Nationals. They are extremely proud of themselves and the team, as a whole.

2. Employee Survey Results

Presented by: Joe Patton, Human Resources Director

Joe Patton, Human Resources Director (HRD), stated that the last week of May the employees were given one week to complete a survey to tell their overall satisfaction or dissatisfaction with the City. Some departments were combined, due to size. There was a total of 493 surveys distributed with a number of 328 returned. That is a rate of 67% participation. There were sixteen questions total relating to emotional well-being, training, work-life balance, policies, department/director performance, referrals to relatives or friends to work at Apopka, etc. Joe stated that the overall feeling toward the organization was positive. He stated that the neutral responses were counted as positive.

Commissioner Nesta stated that categorizing the neutral responses as positive somewhat skews the data or some of the narratives in the data (i.e. there being a positive of 80% when it is really 40%). **HRD Joe** stated that he did look at that and if the neutral responses were taken out, the overall feeling would still be positive. He went on to stated that although the category of department director/chief performance is positive, it is still very close to being negative, so it is something that needs to be looked at. A few interesting points was that most are very satisfied with the training they are receiving, the benefits, and their team.

Commissioner Becker thanked Mayor Nelson and HRD Joe for embarking on this survey. He stated that a comment left in the comment section of one of the surveys stated 'hope this is taken seriously.' He gave his commitment that this is being taken very seriously; this is valued information needed to make the organization better. If this is done more consistently, people will see that there are actual steps taken, as a result of these surveys. More and more people will participate in them and be more open and frank with their feedback. **HRD Joe** stated that he is still evaluating the remarks, so that they can get a good feel of where the remarks are, in comparison to the numbers. Some of the remarks related to the questions asked and some did not. **Commissioner Becker** stated that the focus needs to be on the areas that need fixing, which were mainly relating to the department head/chief/director positions. HRD Joe stated that he would like to do more surveys to dive a little deeper into those questions/categories.

Mayor Nelson stated that consent agenda item number four was put into place for those going from staff level to manager/supervisor role and also those already in that role who either need or have requested the training. He stated that just because you are a great worker, does not mean you will be a great manager/supervisor, so this training is being put in place.

A copy of this presentation is available upon request.

PUBLIC COMMENT

Albert McKimmie, 3603 Golden Gem Rd Apopka, FL 32712 voiced his concerns and asked questions regarding the re-naming of Harmon Rd, the review of the City Charter, and the City Planning Department.

Dennis New, 105 W Magnolia Street Apopka, FL 32703 spoke on the meaning behind the names of different roads around Apopka (i.e. Harmon Rd, Binion Rd, Ustler Rd, etc.). He is in opposition of re-naming Harmon Rd, from Binion Rd to Ocoee Apopka Rd to Bill Arrowsmith Parkway.

Leroy Bell, 2308 Blue Meadow Ct Apopka, FL 32703 stated that at the last Council Meeting he was verbally and physically threatened. He asked the Police Chief to take his statement, in which received a response of no. He asked why and was told that what he came up with would not be satisfactory of what really happened.

Shaunte Jemison, Emerson Park, Apopka, FL 32703 gave an update on their Literacy Initiative:

- Seven live reading sessions
- 217 books given to students
- Featured three local student artists
- Free little library - Outside of City Hall & built by students in the community
- Hosted the annual Read Around the City contest
- Gave 24 reading volunteers to the local schools - 19 businesses and 5 families participated this year
- Hosted 4 online reading sessions with 2 game sessions

She thanked the City and the citizen within the city for their continued support.

Sylvester Hall, 3091 Rolling Hills Lane Apopka, FL 32712 stated that after the last council meeting, Glen Brooks called him personally and apologized to him for his behavior. He stated that he respects him [Sylvester Hall] and Mr. Leroy Bell. **Sylvester Hall** went on to state that he questioned Mr. Bell on why Glen Brooks would act in such a manner, on the clock, at a City Council Meeting. He stated that Glen Brooks should have been fired on the spot, for 'conduct unbecoming.'

Christopher Williams, 31 W Laurel Street, Apopka, FL 32703 stated that he is here to stand with and show support to the Tennis Galaxy program that his held at the Northwest Recreational Complex. He went on to state that he believes that some of the policies that will be presented tonight will hinder the future of Tennis Galaxy; however, hopes that does not happen.

Naret Teran, 915 Dartmouth Street, Orlando, FL 32804 expressed his concerns with and anger toward the Public Services Director. He quoted negative 'vicious' comments made by the Public Services Director, that the reported to Human Resources. He stated that his grievance was destroyed, because there is no record of it in the employee file. He

also stated that he was terminated, as a result of his primary grievance submitted to Human Resources.

Tom Hart, 1131 Degraw Drive Apopka, FL 32712 stated that he appreciates the Parks and Recreation Department on how well they keep the parks around the City clean. He congratulated Donny Rowland and the team that was recently highlighted in the Florida turf Digest. He went on to express his satisfaction with Tennis Galaxy and give them many praises. He also stated that he is concerned for the team and the possibility of the suffering, due to upcoming changes.

CONSENT (Action Item)

1. Reappointment of Robert Goff to the Apopka Police Officers' Pension Board for an additional 2-year term.
2. Reappointment of Ryan Dennington to the Apopka Firefighters' Pension Board.
3. Appointment of Scott Braswell to the Apopka Firefighters' Pension Board of Trustees.
4. Authorize the issuance of evaluated and sole source memos: Institute for Human Development
5. Accept the disbursement report for June 2023.
6. Acceptance of the City of Apopka FY2023 Budget-to-Actual Report for the Nine-Months Ending June 30, 2023

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

Commissioner Becker asked to pull items #3 and #4.

- b. Hearing further questions or comments, he asked for a motion to approve items #1, #2, #5, and #6.
- c. **Motion** by **Commissioner Becker** and seconded by **Commissioner Velazquez** to approve items #1, #2, #5, and #6.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, & Velazquez voting aye.

Item #3: Appointment of Scott Braswell to the Apopka Firefighters' Pension Board of Trustees.

Commissioner Becker stated, in the packet, it talks about the makeup of the Apopka Firefighter Pension Board: Trustees consisting of five members, two of which are elected by the planning members, two serve as resident trustees and are appointed by the Mayor and are ratified by the City Council. He stated that our charter does not say that; in Chapter 54, Section 5468 it sated that the board shall consist of five trustees, two of whom, unless otherwise prohibited by law shall be a legal resident of the City, who shall be appointed by the City Council. He stated that he understood that the one

of the currently sitting resident appointees desire to stay on the board and he supports that decision. That member being Todd Bankson.

Commissioner Velazquez stated that Todd Bankson sent all of the council an email detailing that he was told that he was going to remain, as a representative. She stated that she saw she nothing in the package for Mr. Scott, for her to look at who he is or what his credentials are. She did ask the City Clerk and she stated that nothing was provided.

Mayor Nelson state that Scott Braswell is a long-term resident of Apopka and he has been a Banker for four years. He stated that each board has non-employees as part of the board; this will be the only board that has all five members are firefighters.

- a. Motion made by **Commissioner Becker** and seconded by **Commissioner Nesta** to appoint Todd Bankson for another two years, on the pension board.
- b. **Motion carried 3-1**, with Commissioners Becker, Nesta, & Velazquez voting aye and Mayor Nelson voting no.

Item #4: Authorize the issuance of evaluated and sole source memos: Institute for Human Development

Commissioner Becker stated we are being asked to vote on a sole source provider and this is not a sole source provider. This is basic management consulting. They referenced the disc model personality assessment and these are not unique things to this provider.

HRD Joe explained his background with the city and broke down the hours he has spent in trainings with several different department heads and departments.

Commissioner Velazquez asked that this item be tabled until the next meeting.

- a. **Motion made by Commissioner Velazquez** and seconded by **Commissioner Becker** to table consent item number 4: to authorize the issuance of evaluated and sole source memos: Institute for Human Development to the August 2, 2023 meeting.
- b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance Number 3014 – Second Reading – Small-Scale Future Land Use Amendment from Rural to Mixed Use – Wyld Oaks Golden Gem Properties
Owner(s): Hardy-Holt Brenedette, Hoffman Danna L, Hoffman Carol A, Heck Joyce A, and Breney Francois P
Applicant(s): Lowndes Law Firm c/o Tara Tedrow, Esq.
Location: West of SR 429, east of Golden Gem Road and north of Capital Reef Way
Project: Wyld Oaks Golden Gem Properties

Density: Neighborhood – 1 dwelling unit per acre to 5 dwelling units per acre (15 dwelling units per acre with bonus); 0.05 floor area ratio (FAR) to 0.5 FAR; Employment - 0 dwelling unit per acre to 5 dwelling units per acre (7.5 dwelling units per acre with bonus); 0.01 FAR to 2.0 FAR

Project Manager: Jean Sanchez

Presented by: Jean Sanchez, Senior Planner

No changes.

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

Albert McKimmie, 3603 Golden Gem Rd, Apopka, FL 32712 expressed his concern on if the City is communicating with Orange County, regarding the roads. He is looking for a commitment from the City to start negotiations with Orange County, on when/if we are going to take roads over.

b. Hearing no further questions or comments, he asked for a motion to adopt Ordinance Number 3014.

c. Motion by **Commissioner Nesta** and seconded by **Commissioner Becker** to adopt Ordinance Number 3014.

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

2. Ordinance Number 3015 – Second Reading – Change of Zoning from County A-1 (Citrus Rural) to KPI-MU (Kelly Park Interchange – Mixed Use) District, Assignment of Neighborhood and Employment Overlay Districts; and Master Plan – Wyld Oaks Golden Gem Properties

Owner(s): Hardy-Holt Brenedette, Hoffman Danna L, Hoffman Carol A, Heck Joyce A, and Breney Francois P

Applicant(s): Lowndes Law Firm c/o Tara Tedrow, Esq.

Location: West of SR 429, east of Golden Gem Road and north of Capital Reef Way

Project: Wyld Oaks Golden Gem Properties

Density: Neighborhood – 1 dwelling unit per acre to 5 dwelling units per acre (15 dwelling units per acre with bonus); 0.05 floor area ratio (FAR) to 0.5 FAR; Employment - 0 dwelling unit per acre to 5 dwelling units per acre (7.5 dwelling units per acre with bonus); 0.1 FAR to 2.0 FAR

Project Manager: Jean Sanchez

Presented by: Jean Sanchez, Senior Planner

No Changes.

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

b. Hearing no further questions or comments, he asked for a motion to adopt Ordinance Number 3015.

- c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance Number 3015.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, & Velazquez voting aye.
3. Ordinance Number 3016 – Second Reading – Change of Zoning from T (Transitional District) to KPI-MU (Kelly Park Interchange – Mixed Use) District and Assignment of Interchange Overlay District; and Master Plan – Wyld Oaks Freeport Property
Owner(s): Freeport Rapids Partners G P
Applicant(s): Lowndes Law Firm, c/o Tara Tedrow, Esq.
Location: West of SR 429, east of Golden Gem Road and south of Kelly Park Road
Project: Wyld Oaks Freeport Property
Density: 0 dwelling unit per acre to 10 dwelling units per acre; 0.1 floor area ratio (FAR) to 0.75 FAR
Project Manager: Jean Sanchez
Presented by: Jean Sanchez, Senior Planner

No Changes.

- a. **Mayor Nelson** asked if anyone had any questions about this item.
 - b. Hearing no further questions or comments, he asked for a motion to adopt Ordinance Number 3016.
 - c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Becker** to adopt Ordinance Number 3016.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, & Velazquez voting aye
4. Resolution Number 2023-18 FY22/23 Budget Amendment
Presented by: Blanche Sherman, Finance Director

Blanch Sherman, Finance Director (FD), stated that this is a request to amend the budget in the amount of \$1,852,000. The first item pertains to Kelly Park, amending the budget for \$1.3 million dollars; this is a developer agreement credit reimbursement. We received the \$1.3 from the developer and they have completed some of the design work associated with that development, so they are request reimbursement. Item number two pertains to Camp Wewa: Conversion to City Water; this is a requirement of the grant that we received, for Camp Wewa Land Acquisition. We have to do the conversion to city water. The amount is \$552,200,000 and that includes a contingency component.

Commissioner Nesta asked if we have a timeline, because it says it needs to be done in less than six months. **FD Sherman** stated yes and we are requesting an extension.

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

- b. Hearing no further questions or comments, he asked for a motion to approve Resolution Number 2023-18.
 - c. **Motion** by **Commissioner Becker** and seconded by **Commissioner Nesta** to approve Resolution Number 2023-18.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, & Velazquez voting aye
- 5. Resolution 2023-19 Name new road and rename existing Harmon Road
Presented by: Pamela Richmond, Transportation Coordinator

Pamela Richmond, Transportation Coordinator (TC), stated that this is a request to name and rename a road to Bill Arrowsmith Parkway. She stated that this is one of the few roads that the City has constructed in the last twenty-years; as we approached completion, a citizen suggested we name the road after Bill Arrowsmith. Mr. Arrowsmith has been a resident of Apopka since 1956, he has had a career in the banking industry that has spanned over 53-years. He started his career in 1968 at State Bank of Apopka as a Bookkeeper and by 1979 he had risen to the rank of Vice President. He is now the Senior Vice President of One Florida Bank. He was also a City of Apopka Councilmember for 36-years. He was the past President of Apopka JC's, founding member of Apopka Sertoma Club, past director and coach of Apopka Little League, member of Apopka Chamber for 53-years, past President and Vice President of Tri-County League of Cities, member of the Rotary Club for over 53-years and served as past President, received the Rotarian of the Year Award and the Apopka Chamber's Businessman of the Year Award, lifetime member of the Apopka Historical Society, mentor at Dream Lake Elementary for 12-years, and founding member of the Apopka Elks. His most significant contribution to Apopka was when he was serving as a Trustee for the North Orange Memorial Hospital; he was instrumental in bringing emergency room services to the City of Apopka. He also served as Chairman of the North Orange Memorial Hospital Scholarship Committee for 30-years and awarded over \$650,000 in scholarships to Apopka area students, pursuing a career in medicine. **TC Richmond** went on to state that per the city's land development code, the City Council may consider a request to name or rename a City road or street right-of-way, by resolution, provided it meets applicable policies and regulations. Any person in the City may petition to change a street name; a reason for the request must be given and the request must be consistent with the City's plan for street naming, addressing, and emergency systems. 75% of the effected property owners must not object to the change. She stated that 57% of the surrounding parcels are under the control of the city and 43% are under the Expressway Authority. The Expressway has been contacted, they do not object to us changing the name of the road and they will send that to us in writing. **Mrs. Swanson, citizen who requested the road name change**, stated that she knew Bill Arrowsmith from when she started her career in the medical field. She stated that Bill Arrowsmith supported wholeheartedly the Apopka community in different event, community involvement and healthcare.

Commissioner Becker stated that Harmon Rd is currently named after a longtime Apopkan; he asked how can we justify renaming it when it has already been named after an Apopkan? **TC Richmond** stated that she searched around and asked several different people a lot of questions and no one could come up with the real history. There are a lot of roads in Apopka that are named after whomever lived along them. They were not technically roads, some were dirt roads that lead to peoples houses. Commissioner Becker stated that what they are being presented with already has a name of a historic Apopkan. **TC Richmond** stated that there may be a compromise, there is a new road. Maybe Harmon Rd, between Ocoee Apopka and Binion, can remain Harmon Rd and the new road be named Bill Arrowsmith Parkway. She stated that it is just like Yothers Rd and Lester Rd; you get to a point on Yothers Rd where it turns to Lester Rd. **Commissioner Becker** stated that we are talking about renaming a road that is currently operating as Harmon Rd. He stated that there is plenty of opportunity, for streets that will be built within Apopka to bestow that honor upon, at some point; however, he is getting feedback from parties described here (i.e. Expressway Authority) that aren't saying that they gave the greenlight to this. He went on to state that he is not opposed to doing what we are doing, but he is opposed to doing it to Harmon Rd.

Commissioner Nesta stated that there is no policy in place for what qualifies someone to be named. He asked when is the last time we named something after someone and **TC Richmond** stated Jason Dwelley; he was a native of Apopka that was killed in Afghanistan, someone brought his name forward and the road was named after him. **Commissioner Becker** stated that he would like the full board to weigh in on this and Commissioner Smith is not present this evening. **Commission Velazquez** stated that she has received a lot of comments, emails, and text regarding this and not one was in favor of this change.

Public Comment

Dennis New, 105 W Magnolia Street Apopka, FL 32703 spoke in opposition of renaming this road Bill Arrowsmith Parkway.

Leroy Bell, 2308 Blue Meadow Ct Apopka, FL 32703 urged the council to considered another name for this road or any other road.

Naret Teran, 915 Dartmouth Street, Orlando, FL 32804 stated that the map that was shown has nothing to do with what the residents are saying and the history they are giving; history matters.

Sylvester Hall, 3091 Rolling Hills Lane Apopka, FL 32712 questioned the standards and criteria must be met, other than what's in the land development code, when considering naming a street after someone.

Rod Olson stated that if the council is looking to renaming the extension, given the proximity of it to Fire Station 6, it should be Austin Duran.

- a. **Motion** made by **Commissioner Velazquez** and seconded by **Commissioner Becker** to table this item to the August 2, 2023 meeting.
- b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, & Velazquez voting aye

CITY COUNCIL REPORTS

Commissioner Velazquez stated that she spent the week welcoming new residents into the City through Habitat for Humanity.

Commissioner Becker asked Attorney Shepherd to deliver the message of the Charter Review to the Council, as a whole, rather than one at a time. **Attorney Shepherd** stated that he has done 25 charter reviews over his 39-year legal career. He stated that in order to get through a Charter review and actually get through the charter, it requires a set course where you look at the charter as a whole and you try to get through a certain number of sections in a meeting. Everyone comes prepared, he will review and identify the things that could be a problem; if he does not see any, he won't bring anything up, but that does not prohibit the council from bringing anything up. Citizen participation is important, as well. Commissioner Becker moved on to state that Dr. O had been reaching out about the On-Street Media contract; the only question I have is there was a clarification around if the State of Florida DOT in agreement with the program as it currently stands. **TC Richmond** responded that they went dormant for about a year, because there were issues with their State and Federal contract. They've straightened it out and the council approved an amendment to that agreement that deals specifically with that he is asking about. We are in full compliance. Our agreement is not with DOT or the FEDS it is with On-Street Media; its their deal with them. They are in full compliance and so are we. Next, **Commissioner Becker** asked about the C-Click Fix and how is responsible for monitoring the website for requests or reports. He stated that a few people have mentioned that they are using the tool and not getting replies. **Robert Hippler, Information Technology Director (TD)**, stated that the C-Click Fix is just for residents to report issues or make requests for the city to fix things; each request type, chosen by the resident when submitted the request, is routed to specific departments. A work order is immediately generated once the request is submitted and the resident will receive an acknowledgement that it has been received. Lastly, **Commissioner Becker** asked if the RFP window had closed for the project manager and the response was that it is still open and will close on July 28th.

Commissioner Nesta stated that there is a property located at 526 S Forest Ave that he asked the last attorney to write up a lease to New Journey Youth Center, but it was never done. He directed his request to Attorney Shepherd stating that we need a lease to be done. **Attorney Shepherd** stated that he would be happy to do that. Lastly, **Commissioner Nesta** stated that the Apopka Dog Mayor Voting is coming up and August 5th is the final day. Each dog

represents a different charity; you can go to Apopkadowmayor.com and every dollar you donate goes towards a vote.

CITY ATTORNEY'S REPORT

None

MAYOR'S REPORT

July 26th at 7:00pm is the special meeting to set the tentative millage rate.

ADJOURNMENT

The meeting adjourned at 9:30PM.

All video recordings of City Council Meetings are always posted on the City of Apopka's YouTube page, for viewing.

Bryan Nelson, Mayor

Attest: _____
Susan M. Bone, City Clerk

Minutes Transcribed by: _____
Victoria Parks, Deputy City Clerk



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 1.

Meeting Date: August 2, 2023

Department: Community Development

SUBJECT:

Floor and Decor Plat

REQUEST:

Approve the Floor and Decor Apopka – Plat.

SUMMARY:

Direction	Future Land Use	Zoning	Present Use
North	County Commercial	County C-1 (Retail Commercial)	Automobile service station
East	County Commercial and County Low Medium Density	County C-1, County R-1	Vacant and Plymouth Heights Residential subdivision
South	County Industrial	County Ind-2 (Industrial)	Industrial Warehouse
West	Industrial	I-L (Light Industrial)	Industrial Warehouse

PROJECT SUMMARY:

The applicant has submitted the Floor and Decor Apopka – Plat for consideration, combining four lots, as well as a portion of the Shepard Avenue right-of-way (ROW). The applicant is currently undergoing the vacation process for the Shepard Avenue ROW with Orange County. This plat creates one parcel to accommodate the applicant's intent to develop a wholesale facility for surface flooring and related accessories.

ACCESS:

Current ingress and egress to the properties are on U.S. 441, Lake View Drive and Mayflower Avenue.

PUBLIC HEARING SCHEDULE:

July 11, 2023 - Planning Commission (5:30 pm)

August 2, 2023 - City Council (1:30 pm)

DEVELOPMENT REVIEW COMMITTEE (DRC):

The DRC recommends approval of the Floor and Decor Apopka – Plat.

PLANNING COMMISSION:

At the July 11, 2023 meeting, the Planning Commission unanimously recommended approval of the Floor and Decor Apopka – Plat, subject to the following conditions:

1. Approval of the Shepard Avenue right-of-way vacation
2. 20-foot wide right-of-way dedication adjacent to U.S. 441
3. Reviews of the City Engineer and City Surveyor

FUNDING SOURCE:

N/A

RECOMMENDED MOTION:

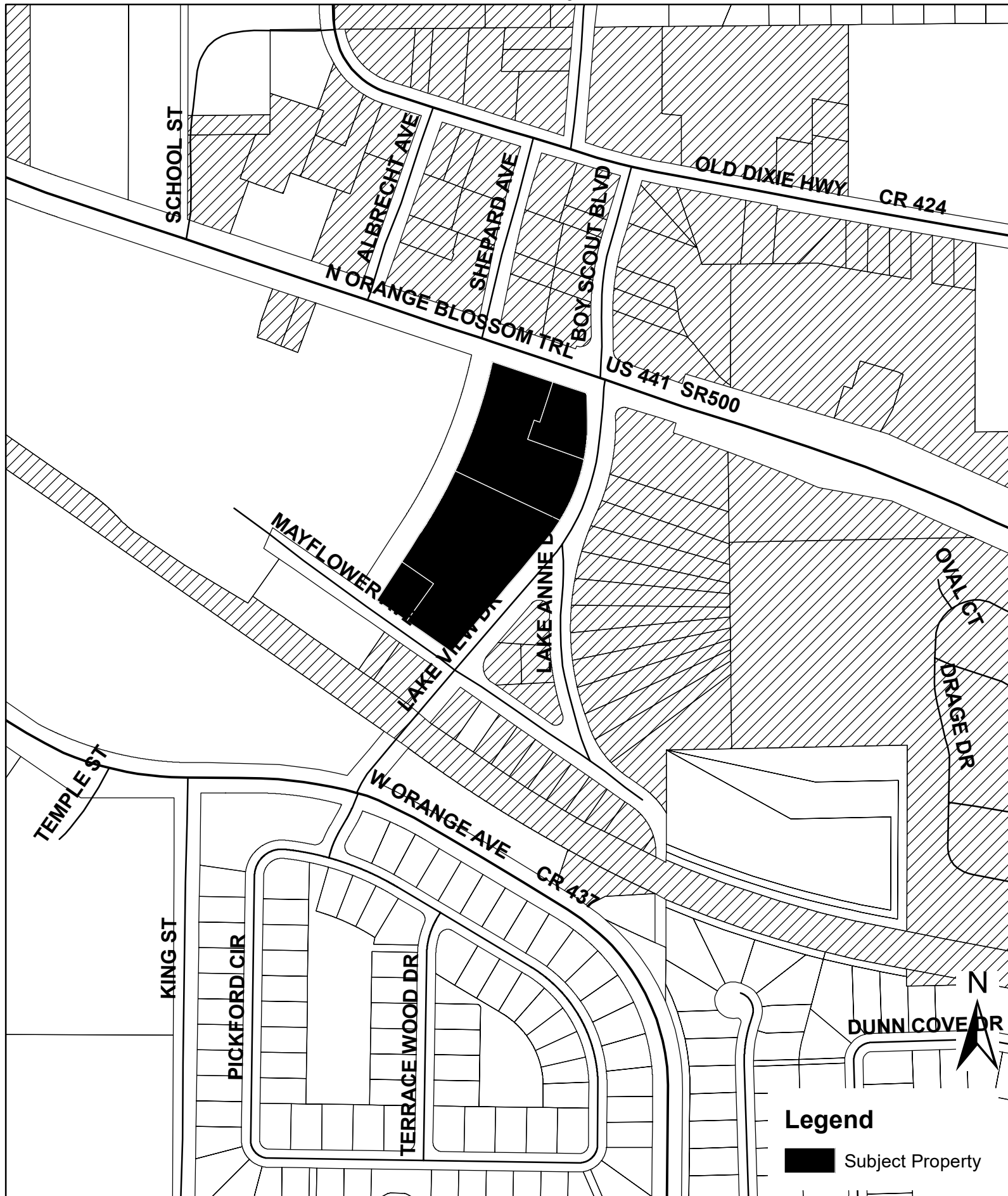
Approve the Floor and Decor Apopka – Plat, subject to the following conditions:

1. Approval of the Shepard Avenue right-of-way vacation
2. 20-foot wide right-of-way dedication adjacent to U.S. 441
3. Reviews of the City Engineer and City Surveyor

ATTACHMENTS:

1. Maps
2. Floor and Decor Apopka - Plat

Vicinity

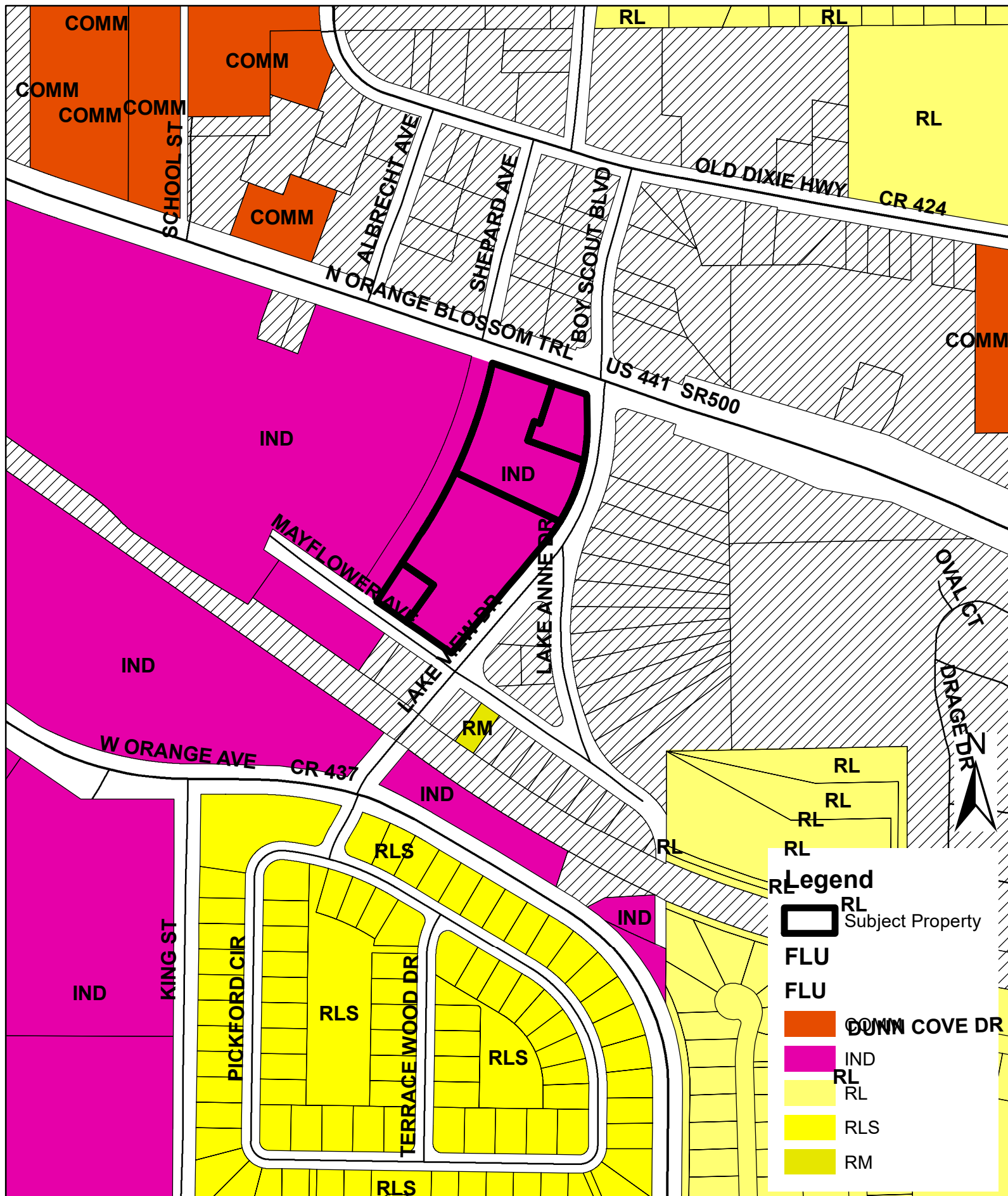


(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Aerial

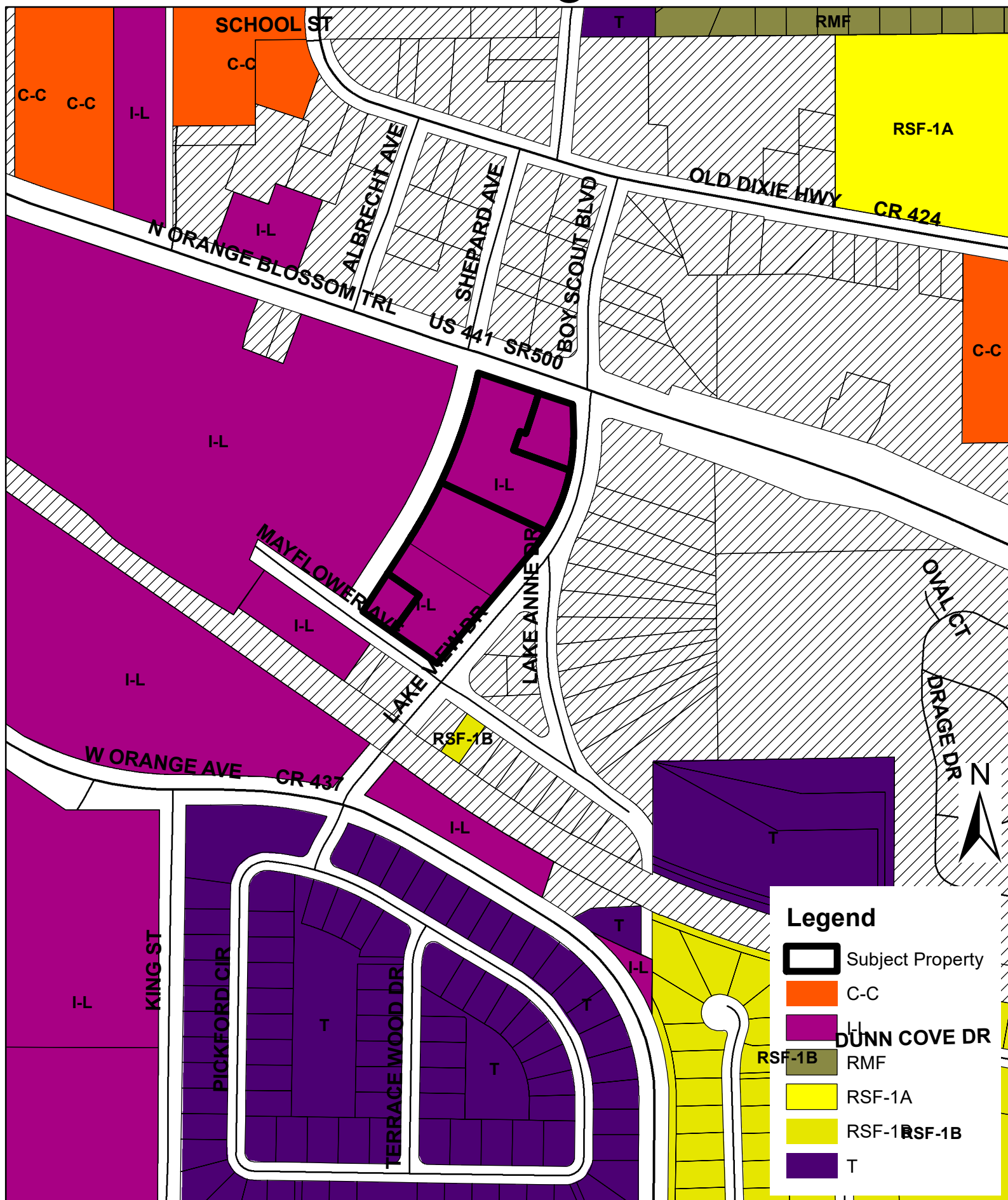


Future Land Use



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Zoning



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

FLOOR AND DECOR APOPKA

BEING A REPLAT OF A PORTION OF LOTS 1-5 AND AL OF LOTS 6-30,
BLOCK G, AND A PORTION OF THE UNIMPROVED
RIGHT OF WAY OF SHEPARD AVENUE OF PLYMOUTH DELLS,
PLAT BOOK O, PAGES 102-103

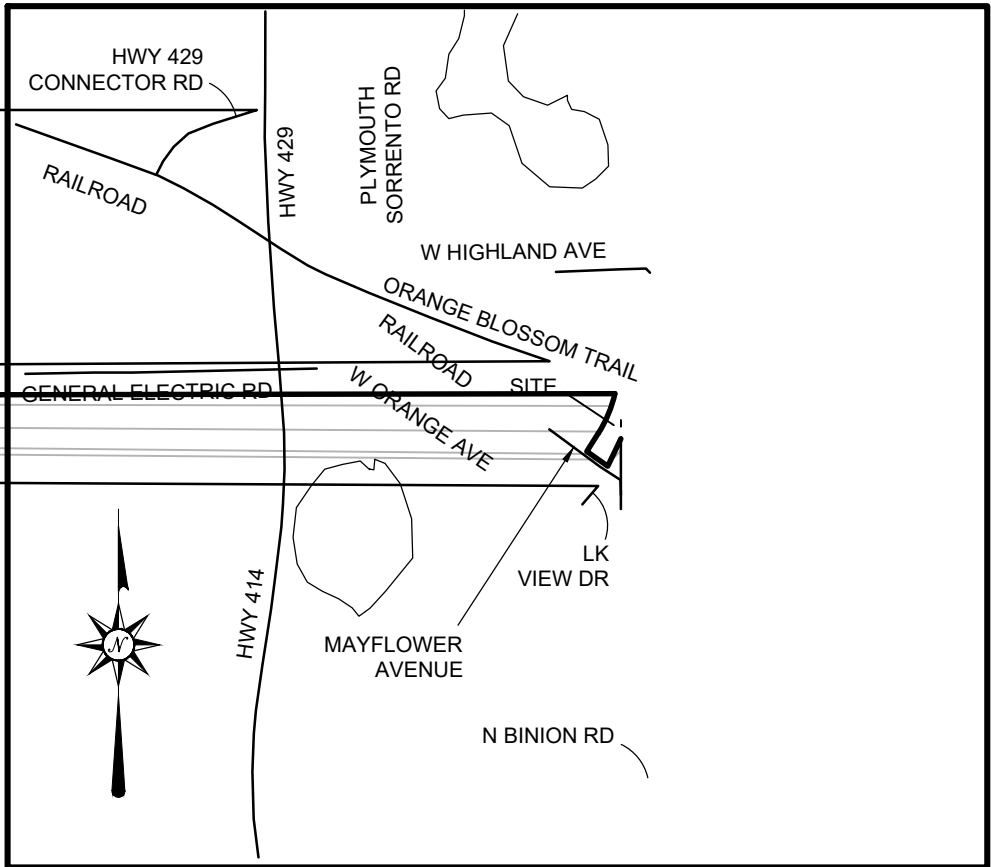
LOCATED IN SECTION 6, TOWNSHIP 21 SOUTH, RANGE 28 EAST,
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	1377.68'	20°14'25"	N22°12'38"E	484.15'	486.68'
C2	30.00'	13°43'17"	S09°27'50"E	7.17'	7.18'
C3	502.17'	26°10'00"	S12°26'11"W	227.35'	229.34'
C4	620.13'	12°47'52"	S32°43'06"W	138.17'	138.46'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S02°36'12"E	65.63'

LEGEND

- SET 4"x4" CONCRETE MONUMENT
"PRM LB 6846"
- FOUND CONCRETE MONUMENT
- △ SET NAIL AND DISK
"PRM LB 6846"
- ⊙ FOUND IRON PIPE
- P.O.B. POINT OF BEGINNING
- P.B. PLAT BOOK
- O.R. OFFICIAL RECORDS BOOK
- PG./PGS. PAGE/PAGES
- R/W RIGHT OF WAY
- PRM PERMANENT REFERENCE MONUMENT
- PSM PROFESSIONAL SURVEYOR & MAPPER
- LB LICENSED BUSINESS
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- PCC POINT OF COMPOUND CURVATURE
- NT NON-TANGENT
- NO NUMBER
- HWY HIGHWAY
- FDOT FLORIDA DEPARTMENT OF TRANSPORTATION
- RLS REGISTERED LICENSED SURVEYOR



VICINITY MA
(NOT TO SCALE)

LEGAL DESCRIPT

A PARCEL OF LAND LOCATED IN SECTION 6, TOWNSHIP 21 SOUTH,
OF APOPKA, ORANGE COUNTY, FLORIDA, BEING LOTS 1-30,
PORTION OF THE UNIMPROVED 80-FOOT RIGHT-OF-WAY
ACCORDING TO THE PLAT OF PLYMOUTH DELLS, AS RECORDED
102-103, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA,
WAY TAKEN FOR ORANGE BLOSSOM TRAIL (U.S. HIGHWAY
DEPARTMENT OF TRANSPORTATION PROJECT NUMBER
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEASTERLY CORNER OF LOT 20 OF BLOCK
DELLS; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY
(60-FOOT PUBLIC RIGHT-OF-WAY PER PLAT BOOK O, PAGES
OF ORANGE COUNTY, FLORIDA), N55°11'46"W, A DISTANCE
CENTERLINE OF SAID SHEPARD AVENUE; THENCE ALONG
SHEPARD AVENUE, N32°19'51"E, A DISTANCE OF 234.27 FEET;
THE CENTERLINE OF SAID SHEPARD AVENUE, NORTHEASTERLY
CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF
ANGLE OF 20°14'25" AND A CHORD BEARING AND DISTANCE
FOR AN ARC DISTANCE OF 486.68 FEET TO THE SOUTHERLY
BLOSSOM TRAIL (U.S. HIGHWAY 441) (VARIABLE-WIDTH PUBLIC
FLORIDA DEPARTMENT OF TRANSPORTATION PROJECT 7502-105);
SOUTHERLY RIGHT-OF-WAY, S71°32'46"E, A DISTANCE
WESTERLY RIGHT-OF-WAY OF LAKE VIEW DRIVE (80-FOOT
PLAT BOOK T, PAGE 19, PUBLIC RECORDS OF ORANGE
ALONG SAID LAKE VIEW DRIVES WESTERLY RIGHT-OF-WAY
COURSES: 1) SOUTHEASTERLY ALONG THE ARC OF A NON-TANGENT
RIGHT (SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL
AND A CHORD BEARING AND DISTANCE OF S09°27'50"E,
DISTANCE OF 7.18 FEET; 2) S02°38'12"E, A DISTANCE OF 65.63
ALONG THE ARC OF A CURVE TO THE RIGHT (SAID CURVE
FEET, A CENTRAL ANGLE OF 26°10'00" AND A CHORD BEARING
S12°26'11"W, 227.35 FEET) FOR AN ARC DISTANCE OF 229.34
ALONG A COMPOUND CURVE TO THE RIGHT (SAID CURVE
FEET, A CENTRAL ANGLE OF 12°47'32" AND A CHORD BEARING
S32°43'06"W, 138.17 FEET) FOR AN ARC DISTANCE OF 138.46
DISTANCE OF 389.14 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

- THE BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH, STATE PLANE COORDINATE
NAD 83, NGS ADJUSTMENT OF 2011. THE NORTHERLY RIGHT-OF-WAY OF MAYFLOWER
N55°11'46"W.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO:
 - AGREEMENT ON ENCROACHMENTS BY AND BETWEEN MONROE C. VOGT AND WIFE, ELSIE H. VOGT
AND JOE W. DUNN A/K/A JOE DUNN, AND WIFE, MARGARET J. DUNN A/K/A JUNE DUNN RECORDED APRIL 11,
1961 IN OFFICIAL RECORDS BOOK 878, PAGE 637, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
 - CERTIFICATE OF ESTABLISHING WATER BASIN BOUNDARIES OF THE SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT RECORDED DECEMBER 28, 1961 IN OFFICIAL RECORDS BOOK 992, PAGE 634,
TOGETHER WITH SOUTHWEST FLORIDA WATER MANAGEMENT REALIGNING THE BOUNDARIES OF THE
OKLAWAHA RIVER BASIN RESOLUTION NO. 653 RECORDED OCTOBER 18, 1976 IN OFFICIAL RECORDS BOOK
2735, PAGE 539, BOTH OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
 - EASEMENT GRANTED TO FLORIDA POWER CORPORATION RECORDED JULY 2, 1974 IN OFFICIAL
RECORDS BOOK 2544, PAGE 419, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
 - BINDING UTILITY EASEMENT BY MID-FLORIDA FREEZER WAREHOUSE LTD RECORDED AUGUST 26, 2019
IN OFFICIAL RECORDS INSTRUMENT 20190527956, OF THE PUBLIC RECORDS OF ORANGE COUNTY,
FLORIDA.
- ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL
THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE UTILITY
HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION
SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC,
OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES
UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

CERTIFIC-TE OF SURV

KNOW ALL MEN BY THESE PRESENTS, That the undersigned,
and Registered Land Surveyor & Mapper, does hereby
survey of the lands therein described and this Plat was
and supervision; that permanent reference monuments
thereon and this plat complies with all of the survey requirements
Florida Statutes; and that said land is located in Orange County, Florida.

Signature
JEFFREY D. HOFIUS, PSM

Registration No. 6610
Leading Edge Land Services, Inc.
8802 Exchange Drive
Orlando, Florida 32809
Certificate No. LB 6846

NOTICE: THIS PLAT, AS RECORDED IN ITS
GRAPHIC FORM, IS THE OFFICIAL DEPICTION
OF THE SUBDIVIDED LANDS DESCRIBED
HEREIN AND WILL IN NO CIRCUMSTANCES BE
SUPPLANTED IN AUTHORITY BY ANY OTHER
GRAPHIC OR DIGITAL FORM OF THE PLAT.
THERE MAY BE ADDITIONAL RESTRICTIONS
THAT ARE NOT RECORDED ON THIS PLAT
THAT MAY BE FOUND IN THE PUBLIC
RECORDS OF THIS COUNTY.

LEADING EDGE
LAND SERVICES
INCORPORATED

8802 EXCHANGE DRIVE
ORLANDO, FLORIDA 32809

PHONE: (407) 351-6730
FAX: (407) 351-9691
WEB: www.leadingedgels.com

FLORID- LICENSED BUSINESS NUMBER LB 6846



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 2.

Meeting Date: August 2, 2023

Department: Police Department

SUBJECT:

Execute Release of Code Enforcement Lien for 334 W Main Street

REQUEST:

Execute Release of Lien – 334 W Main Street

SUMMARY:

On August 16, 2022, the City of Apopka rendered an Order Finding Gordon G Oldham III Family Trust, the owner of the property at 334 W Main Street ("Subject Property") in violation of Section 308.1, International Property Maintenance Code. A fine in the amount of One Thousand (\$1000.00) Dollars per day was imposed starting on September 1, 2022.

On July 6, 2023, David Hartnett, Associate General Counsel c/o David Greene; Fox Rothschild LLP, and the City entered into a Settlement Stipulation to reduce the unpaid code enforcement lien to a settlement amount of Thirty-Five Thousand (\$35,000.00) Dollars, paid to the City. The property is currently in compliance with the International Property Maintenance Code.

FUNDING SOURCE:

Not applicable.

RECOMMENDED MOTION:

Execute Release of Code Enforcement Lien for recordation in Public Records of Orange County, Florida upon receipt of settlement amount.

ATTACHMENTS:

1. Release of Lien - 334 W Main St
2. Family Dollar - Settlement Stipulation

This instrument prepared by
the Code Enforcement Secretary

When recorded return to:
City Clerk
City of Apopka
120 East Main Street
Apopka, Florida 32703

RELEASE OF CODE ENFORCEMENT LIEN

KNOW ALL MEN BY THESE PRESENTS that the CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA (“City”), whose mailing address is 120 East Main Street, Apopka, Florida 32703, is the owner and holder of that certain Order Imposing Penalty/Lien against **GORDON G OLDHAM III FAMILY TRUST**, recorded on November 1, 2022 at Instrument No. 20220663202 of Public Records of Orange County, Florida (“Code Enforcement Lien”).

NOW, THEREFORE, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby releases the following real property described to wit on Exhibit A, attached hereto and incorporated herein, from the lien, operation, and effect of the Code Enforcement Lien.

IN WITNESS WHEREOF, the City has executed these presents this 2nd day of August, 2023.

ATTEST:

CITY OF APOPKA, FLORIDA

Susan Bone, City Clerk

Bryan Nelson, Mayor

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☐ physical presence OR ☐ online notarization, this 2nd day of August, 2023, by Bryan Nelson, Mayor, and Susan Bone, City Clerk, who are ☐ personally known to me OR ☐ who have produced _____ as identification.

Notary Public

EXHIBIT A

LEGAL DESCRIPTION

A portion of Lots 13 to 18, Block B, ROBINSON & SAMUELS ADDITION TO APOPKA, SECOND SECTION, and a portion of Agnes Street now abandoned and adjoining said Lot 18 as recorded in Plat Book K, Page 106, Public Records of Orange County, Florida and being more particularly described as follows:

Beginning at the Southerly most corner of Lot 13, ROBINSON AND SAMUELS ADDITION TO APOPKA SECOND SECTION, as recorded in Plat Book K, Page 106, Public Records of Orange County, Florida, run thence Northwesterly along the South westerly line of said Lots 13 through 18 of said subdivision and the Northerly projection thereof a distance of 150.00 feet; then run Northeasterly, parallel with the Southeasterly line of said Lot 13, a distance of 119.50 feet to the Southerly Right-of-Way line of U.S.441; then run Southeasterly along said Southerly Right-of-Way line 150.00 feet to a point on the Easterly line of a foresaid Lot 13; thence run .90 feet to the Point of Beginning. All of the above lying in Section 9, Township 21 South, Range 28 East, Orange County, Florida.

AND

Lots 19 to 25, inclusive, Block B, ROBINSON AND SAMUELS ADDITION TO APOPKA SECOND SECTION, according to the Plat thereof as recorded in Plat Book K, Page 106, of the Public Records of Orange County, Florida, and that part of Agnes Street, now abandoned and adjoining Lots 60 and 61, Block B, ROBINSON AND SAMUELS ADDITION TO APOPKA, according to the Plat thereof as recorded in Plat Book J, Page 80, of the Public Records of Orange County, Florida; said Agnes Street portion extending from the North line of Lot 60 to the South line of Lot 61, projected Southerly and along the West boundary of Lots 19 and 20, Block B, ROBINSON AND SAMUELS ADDITION TO APOPKA SECOND SECTION, as recorded in Plat Book K, Page 106, of the Public Records of Orange County, Florida.

**CODE ENFORCEMENT
CITY OF APOPKA, FLORIDA**

CITY OF APOPKA,

Complaint No. 22-00311

Petitioner,

Address: 334 W Main Street

v.

GORDON G OLDHAM III FAMILY TRUST,

Respondents,

SETTLEMENT STIPULATION

Petitioner CITY OF APOPKA and Third- Party FAMILY DOLLAR STORES OF FLORIDA, LLC (Family Dollar), on its own behalf of Respondent GORDON G. OLDHAM III FAMILY TRUST enter into this Settlement Stipulation ("Stipulation") (Petitioner and Family Dollar may be referred to herein as the "Parties") in the above-styled action as follows,

1. This Stipulation is meant to be absolute.
2. Petitioner and Family Dollar have entered into this Stipulation as a result of an agreement for Family Dollar to pay a reduced total unpaid code enforcement fine in the amount of Thirty- Five Thousand (\$35,000.00) Dollars in full satisfaction of said fines.
3. Petitioner and Family Dollar each represents to the other party that it has the requisite authority to enter into this Stipulation on its
4. In exchange for the mutual covenants and mutual release set forth herein, upon clearance of the funds in the payment in full of the agreed upon amount set forth hereinabove and the approval of this Stipulation, the City of Apopka will record a Satisfaction of Lien for property address 334 West Main Street.
5. The Petitioner hereby irrevocably and unconditionally release, acquit, and forever discharges Respondent. The Parties also hereby waive all rights to file any claim or a lawsuit against the other party relating to the above styled action. The releases herein do not release and acquit Petitioner from initiating code enforcement actions for subsequent violations (either new or repeat) of the Land Development Code

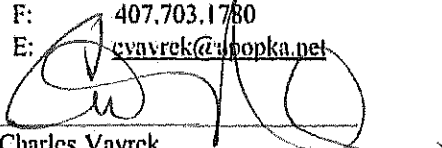
or other authorized City codes and ordinances by Respondents occurring subsequent to the execution of this Stipulation.

6, Upon full execution of this Stipulation by both parties and payment of the agreed settlement amount, the City of Apopka will schedule approval of this Agreement at the next City Council Public Hearing.

Dated this 6th day of July, 2023.

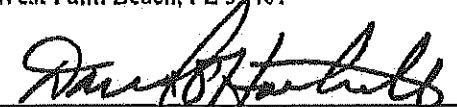
Petitioner:

CITY OF APOPKA
Acting City Administrator
120 East Main Street
Apopka, Florida 32703-5346
T: 407.703.1649
F: 407.703.1780
E: cvavrek@apopka.net


Charles Vavrek
Acting City Administrator

Respondent

Family Dollar
FAMILY DOLLAR STORES OF FLORIDA, LLC
David, Hartnett, Associate General Counsel
c/o David Greene
Fox Rothschild LLP
777 S. Flagler Drive
Suite 1700 - West Tower
West Palm Beach, FL 33401


Signature

David Hartnett
Print Name



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 3.

Meeting Date: August 2, 2023

Department: Police Department

SUBJECT:

Execute Release of Code Enforcement Lien for 625 Rock Ridge Boulevard, Mt Berwick Drive, Gulf Land Drive

REQUEST:

Execute Release of Lien – 625 Rock Ridge Boulevard, Mt Berwick Drive, Gulf Land Drive

SUMMARY:

On May 24, 2022, the City of Apopka rendered an Order Finding Rock Springs Ridge Golf Club Inc, the owner of properties located at 625 Rock Ridge Boulevard, Mt Berwick Drive, and Gulf Land Drive (“Subject Properties”) in violation of Section 308.1, International Property Maintenance Code. A fine in the amount of One Thousand (\$1000.00) Dollars per day was imposed starting on June 3, 2022.

On July 25, 2023, Jackie Gleason, General Manager c/o Rock Springs Ridge Golf Club, Inc, and the City entered into a Settlement Stipulation to reduce the unpaid code enforcement lien to a settlement amount of Two Hundred Fifty Thousand (\$250,000.00) Dollars, paid to the City.

FUNDING SOURCE:

Not applicable

RECOMMENDED MOTION:

Execute Release of Code Enforcement Liens for recordation in Public Records of Orange County, Florida upon receipt of settlement amount.

ATTACHMENTS:

1. Settlement Stipulation - Rock Springs Ridge Golf Club Inc

**CODE ENFORCEMENT
CITY OF APOPKA, FLORIDA**

CITY OF APOPKA,

Complaint No. 22-00140 / 22-00201 / 22-00203
22-00391 / 22-00626

Petitioner,

Address: 625 ROCK RIDGE BLVD
MT BERWICK DR
GULF LAND DR

v.

ROCK SPRINGS RIDGE GOLF CLUB INC,

Respondents,
_____ /

SETTLEMENT STIPULATION

Petitioner CITY OF APOPKA and Respondents ROCK SPRINGS RIDGE GOLF CLUB INC enter into this Settlement Stipulation ("Stipulation") in the above-styled action as follows,

1. This Stipulation is meant to be absolute.
2. Petitioner and Respondents have entered into this Stipulation as a result of an agreement to pay a reduced total unpaid code enforcement fine in the amount of Two Hundred Fifty Thousand (\$250,000.00) Dollars in full satisfaction of said fines and liens.
3. Each party represents and warrants to the other party that it has the requisite authority to enter into this Stipulation.
4. In exchange for the mutual covenants and mutual release set forth herein, upon clearance of the funds in the payment in full of the agreed upon amount set forth hereinabove and the approval of this Stipulation, the City of Apopka will record a Satisfaction of Lien for property addresses 625 Rock Ridge Boulevard, Mt Berwick Drive, and Gulf Land Drive.
5. The Parties hereby irrevocably and unconditionally release, acquit, and forever discharge each other. The Parties also hereby waive all rights to file any claim or a lawsuit against the other party relating to the above styled action. The releases herein do not release and acquit Petitioner from initiating code enforcement actions for subsequent violations (either new or repeat) of the Land Development Code

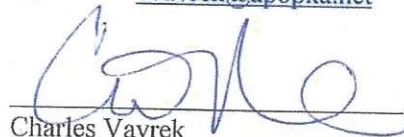
or other authorized City codes and ordinances by Respondents occurring subsequent to the execution of this Stipulation.

6. Upon full execution of this Stipulation by both parties and payment of the agreed settlement amount, the City of Apopka will schedule approval of this Agreement at the next City Council Public Hearing.

Dated this 25th day of July, 2023.

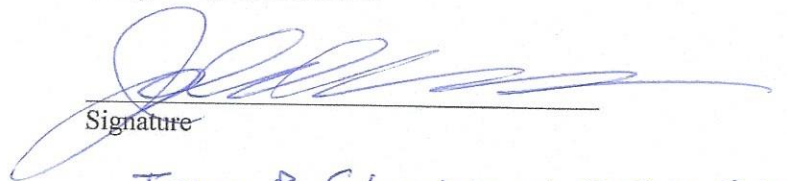
Petitioner:

CITY OF APOPKA
Acting City Administrator
120 East Main Street
Apopka, Florida 32703-5346
T: 407.703.1649
F: 407.703.1780
E: cvavrek@apopka.net


Charles Vavrek
Acting City Administrator

Respondent

ROCK SPRINGS RIDGE GOLF CLUB INC
Jackie Gleason, General Manager
4100 Wekiva Club Court
Longwood, Florida 32779


Signature
Jackie R. Gleason GM
Print Name



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 4.

Meeting Date: August 2, 2023

Department: Finance Department

SUBJECT:

Employee Bonuses to Dispatch Employees

REQUEST:

Authorization to issue Employee Bonuses to Dispatch Employees

SUMMARY:

In 2022, the State paid the City of Apopka's First Responders a \$1000.00 after tax bonus. Due to the nature of the jobs performed by the Police Dispatch staff, the City would like to provide this same bonus to them, as well. We currently have 24 staff employed with eight vacancies.

FUNDING SOURCE:

FY2022-2023 Budget

RECOMMENDED MOTION:

Approved the request for authorization to issue Employee Bonuses to Dispatch Employees in the amount of \$1000.00 each, after tax.

ATTACHMENTS:

None



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 5.

Meeting Date: August 2, 2023

Department: Finance Department

SUBJECT:

Authorize the issuance of evaluated and sole source memos: Fusus Inc.

REQUEST:

Approve the issuance of sole source memos for fiscal year (FY) 2023

SUMMARY:

The departments purchase large amounts of various commodities in its daily operations, including equipment, tooling, and services throughout the year. This purchasing may be accomplished via sole source memo when only one vendor is able to provide or meet the City's requirements. In accordance with Section 107.3 of the City's Purchasing Policy:

107.3.9.8.3. SOLE SOURCE.

Sole Source procurements are proprietary and used when only one vendor is able to provide commodities, contractual services, or construction services of adequate quality or quantity that meet the City's requirements, or when compatibility with existing systems requires procurement from a single source. Note: A memo of explanation must be sent to the appropriate approval authority along with the requisition documentation being attached to the purchase order. The City Administrator must give approval for the Sole Source designation. The Sole Source designation will expire each fiscal year after approval and may be renewed upon submission of a new request with documentation. Sole Source designations above \$50,000.00 must be noticed per Section 287.057(3)(c), Florida Statutes.

Contingent to any purchase order being issued, the listed pricing sources are reviewed by the appropriate departments and legal review where applicable. City Council staff report approvals, source memos and contractual information are kept on record with each purchase order issued. In accordance with Section 107.3.9.8.3 & 107.3.9.8.4. of the City's Purchasing Policy, staff requests blanket purchase order approval of the attached vendors for the purchase of the referenced commodities. The amounts shown will remain within the approved budget as designated.

Department	Vendor	Description	Amount	Pricing Source
Police Department	Fusus	Storage Expansion: Video & Incident Management Platform	\$100,000	Sole Source

* This amount includes a previous \$65,000 that was authorized and approved by City Council on February 15, 2023 for the purchase of the video & incident management platform.

Vendor: Fusus

Department: Police Department

Description: Storage Expansion: Video & Incident Management Platform

Total amount requested: \$100,000

Pricing Source: Sole Source

Policy Requirements:

Sole Source procurements are proprietary and used when only one vendor is able to provide commodities, contractual services, or construction services of adequate quality or quantity that meet the City's requirements:

- a. On February 15, 2023 City Council approved the purchase of Fusus Video and Incident Management Platform for the Police Department in the amount of \$65,000. The Fusus platform is the sole entity with the authority, access, and ability to provide enhancements, upgrades, and warranty support for its unique hardware and software products. The components of the Fusus system. (1) fususONE™, the Real-Time Video and Incident Management Platform, (2) fususCORE™, the appliance used for video sharing, and (3) fususRegistry™, the community-facing portal for live and recorded video sharing to aid in response and investigations

Compatibility with existing systems requires procurement from a single source:

- a. An additional storage expansion is needed in order to support the Video and Incident Management platform in the amount of \$35,000. Fusus is the sole entity with the authority, access, and ability to provide enhancements, upgrades, and warranty support for its unique hardware and software products.

Justification: Due to the infrastructure and system already being created under Fusus Video and Incident Management platform, it is requested that the storage expansion provided through Core Elite Appliances be approved to keep consistency with the equipment and support/maintenance agreements that have already been established.

History:

- Sole Source memo approved on February 15, 2023 by City Council for \$65,000.

FUNDING SOURCE:

Approved FY23 budget

RECOMMENDED MOTION:

Approve the issuance of blanket purchase orders to the referenced vendors, not to exceed budgetary appropriations.

ATTACHMENTS:

None



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 6.

Meeting Date: August 2, 2023

Department: Finance Department

SUBJECT:

Authorize the execution of piggyback contracts for the assigned terms: SP Plus Corporation

REQUEST:

Authorize the execution of piggyback contract for the assigned terms.

SUMMARY:

The department purchases various commodities in its daily operations, including equipment, tooling, and services throughout the year. A piggyback contract can be executed via another entity's agreement when the items or services have already been bid by other governmental agencies or special co-operative agreements, provided such contracts are the result of a competitive bidding process and all terms and conditions are the same. This method provides for the most efficient method of purchase or best cost savings for the quantities that are being utilized. These contracts are also encouraged when applicable for operational proficiencies and to minimize staff processing time. Contractual information is kept on record with each purchase order issued.

Per Purchasing Policy 107.3.17 - Piggyback Contracts:

Piggyback contracts will only be authorized during the period of time that the original contract is active and has not expired (if the original contract expires or terminates, so shall the piggyback contract). The Department Director or designee must review and confirm potential piggyback contracts for applicability and scope. The request for utilizing a piggyback contract must be submitted to the Finance Department for purchasing review. Upon approval, the Purchasing Administrator or designee shall submit their review to the City Attorney for final approval. Contracts that are over \$50,000 will also require City Council approval. Multi-Year Piggybacks: if determined to be over \$50,000 and once authorized by City Council, if the dollar amount allotted in the fiscal year budget is available for the services or commodities, it will not require additional City Council approval.

Below is a full listing of the piggyback contracts that are being requested by; department submittal, vendor, description, source, and expiration dates.

Department:	Parks, Recreation, and Facilities
Vendor:	SP Plus Corporation
Description:	Event Parking Services
Source:	City of Orlando
Bid/Contract #:	22-0136
Expiration Date:	August 31, 2025
Renewals:	Yes

FUNDING SOURCE:

As authorized, adopted, and per the appropriated fiscal year budgetary funding within each departmental budget.

RECOMMENDED MOTION:

Authorize the execution of piggyback contracts per the assigned terms.

ATTACHMENTS:

None



City of Apopka CITY COUNCIL STAFF REPORT

Section: BUSINESS (Action Item)

Item #: 1.

Meeting Date: August 2, 2023

Department: Parks and Recreation

SUBJECT:

Authorize street closures for The Armando Borias Jr. Scholarship Foundation "Together As One" Festival and coinciding 911 Memorial 5k Run special event.

Presented by: Radley Williams, Recreation Director

REQUEST:

Authorization for street closures for The Armando Borias Jr. Scholarship Foundation "Together As One" Festival and coinciding 911 Memorial 5k Run.

SUMMARY:

Street closures and rolling road closures are requested in the special event permit applications for The Armando Borias Jr. Scholarship Foundation "Together As One" Festival and the 911 Memorial 5k Run. The event date requested is September 23, 2023. Separate special event permit applications were submitted for each event, but the events will coincide with each other and utilize the same street closure. The requested street closure is for 5th Street between S. Park Avenue and S. Central Avenue beginning at midnight on September 23, 2023 and reopening at 10pm on the same day. The alley roadway behind the 5th Street parking lot will remain open and the 5th Street parking lot will be used for event and vendor parking. The 5k race component will require rolling street closures on the event day between 7:00am and 1:00pm, along the identified route in the packet.

Both the street closure and 5k route have been reviewed by staff, including the Police Department and Fire Department, and are recommended for approval. The DRC recommended unanimous approval of both special event permit applications along with the provided street closures at their July 19, 2023 meeting. This item is being brought to City Council for final approval of the requested street closures.

FUNDING SOURCE:

n/a

RECOMMENDED MOTION:

Staff recommend City Council approval of the requested street closures as part of The Armando Borias Jr. Scholarship Foundation "Together As One" Festival and the 911 Memorial 5k Run.

ATTACHMENTS:

1. Special Events Permit Applications



Special Event Permit Application

A completed Special Event Permit application is required for all events with the City of Apopka. All events will be reviewed by our Development Review Committee for approval. The City of Apopka has the exclusive right to permit or deny an individual or organization facility use.

Once we have the complete special event application we will schedule for review and approval. Please note this may take time, as we suggest that all applications submitted at least 60 to 90 days prior to the event.

Incomplete applications will not be reviewed. After approval, an estimation of fees forms for your event based on the application and the approval is applicable.

Carolyn Ray – Events Coordinator

cray@apopka.net

407-703-1809

You must submit all required documents with your application.

Special Event Permit Application Checklist

Remember, we suggest that all applications submitted at least 60-90 days prior to the event.

Please review this checklist and make sure you have the items requested below available during this application process.

- Completed Special Event Permit Application (Online Form or print form can be requested at events@apopka.net).
- Event Description
- A non-refundable application fee of \$50.00 or completed application for waiver of permit fee is due when application is submitted. *Staff will contact you about this step.*
- A certificate of general liability insurance listing the "City of Apopka" as 'Additional Insured' must be submitted. Copy of the declaration sheet and endorsement page must be included. Additional insurance may be required, please see the event insurance requirements.
- A site plan (Map) or Parade/Race Route **MUST** be submitted with your application. Map must identify location of staging, tents, parking, barricades, vendors, and restrooms and must be to scale.
- Letter from the property owner granting permission for use of their property. (if on private property)
- If alcohol will be served at your event you must include the alcohol permit and insurance with the completed permit
- Copies of flyers and advertisements.
- Policies and protocols in regards to CDC Guidelines/COVID-19 & social distancing

Applicant must be present for duration of event.

Organization Name Kasheta Farms

Name of Applicant Caitlin Kasheta

Mailing Address 841 Votaw Rd.

City Apopka

State FL

Zip Code 32703

Cell Phone 4074622315

Email kashetafarms@gmail.com

Is your organization a Non – Profit (501C3) OR Tax Exempt Organization?

Yes

State of Florida Tax ID Number 87-1215669

A copy of your 501C3 non-profit certificate is required for non-profit status. Otherwise taxes will be charged.

Please attach a copy of your 501C3 non-profit certificate

File(s) attached:



Tax Exempt Certificate.pdf

Name of the Event The Armando Borjas Jr. Scholarship Foundation "Together As One" Festival

Date(s) of the Event 9/30/23 9/23/23

Hours of the Event 7:00am-6:00pm

Location of the Event East 5th Street, adjacent parking lot, and VFW parking lot

Does the location of the event take place on Public or Private Property?		Yes
Anticipated attendance:		3000
Briefly describe the event and all activities that will occur during the event:	This application is for the festival portion of the Annual The Armando Borjas Jr. Scholarship Foundation "Together As One" 5k Memorial Run & Festival. Activities include a touch-a-truck zone with firetrucks, a police car, an ambulance, the S.W.A.T. truck, a tractor, and an excavator, a Kids Zone including an inflatable obstacle course and dunk zone, an artisanal market, food trucks, and music from a radio station DJ booth.	
Event Category	Street Festival	
Are there flyers or advertisements for this event?		Yes
Attach Flyer or Advertisement 1	<i>File(s) attached:</i>  cover letter with logos.pdf	
Additional Event Information	Additional marketing and advertising flyers will be created.	
Will there be admission fees to your event?	No	
Will you be serving alcohol?	No	
Is your event open to the public?	Yes	
Does your event include food concession?	No	
Do you intend to have food trucks at your event?	Yes	
How many?	10	
Will there be merchandising vending at your event?	Yes	
How many vendors?	70	
Will they need electric?	No	
Will you be hiring a private security company for the event?	No	
Do you require overnight security?	No	
Are there musical entertainment features related to your event?	No	
Will amplified sound be used during the event?	Yes	
Will any streets be closed or will the flow of traffic be affected by the event?	Yes	
Please indicate the road names	5th street will be closed for the race portion of this event and we are requesting it stay closed for the festival portion, too.	
Does your event include the use of tents?	Yes	

Please indicate tent location & size on layout. Permits and ground locates may be required.

What size of tents?	10'x10', all required to have 10lbs weights secured to each leg.
Will inflatables be used at your event?	Yes
Will your event include any fireworks or pyrotechnics?	No



Date/Time (on site load in and load out)

For events that are held on City Property, set up days and load out days may require additional fees.

Setup/Load In

Date	09/30/2023 9/23/23
Start Time	7:00 AM (EDT)
End Time	9:00 AM (EDT)

Event Dates

Date	09/30/2023 9/23/23
Start Time	10:00 AM (EDT)
End Time	6:00 PM (EDT)

Take Down/Load Out

Date	09/30/2023 9/23/23
Start Time	6:00 PM (EDT)

I, Being the Applicant/Event Organizer, have read and understand the guidelines contained within the City of Apopka's Special Event Permit Application and agree to conduct my event in accordance. I further understand that failure to abide by these guidelines may result in the denial or forfeiture of my Special Event Permit.

The City of Apopka is not responsible for lost, stolen or damaged items.

I acknowledge that the information contained in this application is true, correct, and complete to the best of my knowledge.

Applicant Signature



Name of Applicant

Caitlin Kasheta

Title of Applicant

Founder/Executive Director

Date Submitted

06/01/2023

The Applicant/Event Organizer shall maintain at all times throughout the duration of the event, a current insurance policy naming the City of Apopka as an additional insured providing coverage for all approved event activities and must be active on the date(s) of the event, including the set-up and break-down period. Failure to provide proof of adequate coverage will result in the denial of the special event permit or cancellation of the event. The City may require subcontractors acting on behalf of the Applicant/Event Organizer to provide proof of insurance or other related documents depending on the scope or location of the event.

- Comprehensive listing of all subcontractors, including but not limited to concessionaires, vendors, exhibitors, and entertainers must be submitted no later than forty-five (45) business days prior to the event.
- All certificates of insurance, required extensions to said insurance certificates, copies of insurance policies and insurance agreements must be submitted no later than thirty (30) business days prior to the event.

If insurance requirements are not met at least twenty (20) business days prior to the date of the event, your event will be cancelled!

The City of Apopka defines an Applicant/Event Organizer as any individual or organization that is responsible for all aspects of an event to include advertising, marketing, talent costs, insurance, hold harmless agreement contracts, along with all the revenues and expenses for the event. The Applicant/Event Organizer agrees to conduct this event in accordance with the City of Apopka Code of Ordinances (Chapters 46 and 62).

REQUIREMENTS

- Applicant/Event Organizer recognizes the City's authority to halt the operation of the above listed event due to inclement weather or any other safety concern that may arise.
- The City is not responsible or liable for any damage, loss or theft to any vendor or event participant.
- Applicant/Event Organizer agrees that the City may use photographic images and video taken at the event in promotions and publications. These images may be used online or provided to media outlets and/or used in social media applications.

INSURANCE

Before activity setup, or any other site activity begins, Applicant/Event Organizer must have a Certificate of Liability Insurance **(including all extensions to the insurance certificate—to also include a copy of the complete insurance policy)** on file with the City's Risk Management Division. The cost of such insurance shall be the responsibility of the Applicant/Event Organizer and must meet ALL requirements as directed by the City of Apopka. The City reserves the right to increase coverage as determined for higher risk events or activities. This insurance policy must remain in effect throughout the entire duration of the property use beginning with load-in and ending at the conclusion of load-out.

- Applicant/Event Organizer shall, at its sole cost and expense, procure and maintain throughout the term of this agreement, Commercial General Liability and Workers' Compensation insurance, including Employer Liability insurance, with minimum policy limits of \$1,000,000 Combined Single Limits, or to the extent and in such amounts as required and authorized by Florida Law. If such GL insurance contains a general aggregate limit, it shall apply separately to this event in the amount of \$2,000,000. Products and completed operations aggregate shall be \$1,000,000. Damage to rented premises shall be included at \$100,000. The event Applicant/Event Organizer and their representatives who wish to drive on City property to set up or tear down for events, and/or Food Trucks and/or any vehicle that functions as the workplace or is used to perform contracted work must provide an Automobile Liability insurance policy in the minimum amount of \$300,000 Combined Single Limit. If alcohol is being served, the Applicant/Event Organizer shall provide evidence of coverage for liquor liability in the minimum amount of \$1,000,000. The insurance policy must not exclude Personal Injury/Advertising Injury, Medical, volunteer coverage or spectator liability.
- All insurance policies shall: 1) provide that the insurance carrier shall not cancel, terminate or otherwise modify the terms and conditions of said policies except upon thirty days written notice to the City's contract administrator; 2) be evidenced by an endorsed Certificate of Insurance generated and executed by a licensed insurance broker, brokerage, or similar licensed insurance professional evidencing such coverage, and naming the City of Apopka as a named additional insured, as well as furnishing the City with a certified copy, or copies, of said insurance policies; and 3) be approved as to form and sufficiency by the City's contract administrator. The original insurance certificate(s) and all extensions to the insurance certificate(s) should be sent to: City of Apopka, Risk Management, 120 East Main Street, Apopka, FL 32703 or e-mailed to riskmanagement@apopka.net. All insurance coverage shall be written with a company having an A.M. Best Rating of at least the "A" category and size category of VIII.
- Applicant/Event Organizer is solely responsible for all applicable policy premiums, deductibles, and/or self-insured retention attached to any required coverages. Said insurance coverages procured by the Applicant/Event Organizer as required herein, including but not limited to any excess and/or umbrella coverages, shall be considered, and the Applicant/Event Organizer agrees that said insurance coverages it procures as required herein shall be considered, as primary insurance over and above any other insurance, or self-insurance, available to the City, and that any other insurance, or self-insurance available to the City shall be considered secondary to, or in excess of, the insurance coverage(s) procured by the Applicant/Event Organizer as required herein.
- Applicant/Event Organizer shall require and verify that all subcontractors, including but not limited to concessionaires, vendors, exhibitors, and entertainers, maintain insurance meeting all of the requirements stated herein. Furthermore, the insurance policy held by the Applicant/Event Organizer shall have no endorsement(s) restricting, limiting or excluding the subcontractors or work on behalf of the Applicant/Event Organizer by a subcontractor. The Certificate of Insurance submitted by the Applicant/Event Organizer must clearly state that all such subcontractors are "Named Insureds".

Nothing herein shall be construed to extend the City of Apopka's liability beyond that provided in section 768.28, Florida Statutes.

By signing below, I acknowledge that I have read and understand the insurance requirements contained herein. I further understand that my permit application may be declined if I fail to provide the appropriate insurance coverage.

Signature of Applicant



Name of Applicant Caitlin Kasheta

Title of Applicant Founder/Executive Director

Sponsoring Organization Name Kasheta Farms Inc.



Special Event Permit Application

A completed Special Event Permit application is required for all events with the City of Apopka. All events will be reviewed by our Development Review Committee for approval. The City of Apopka has the exclusive right to permit or deny an individual or organization facility use.

Once we have the complete special event application we will schedule for review and approval. Please note this may take time, as we suggest that all applications submitted at least 60 to 90 days prior to the event.

Incomplete applications will not be reviewed. After approval, an estimation of fees forms for your event based on the application and the approval is applicable.

Carolyn Ray – Events Coordinator

cray@apopka.net

407-703-1809

You must submit all required documents with your application.

Special Event Permit Application Checklist

Remember, we suggest that all applications submitted at least 60-90 days prior to the event.

Please review this checklist and make sure you have the items requested below available during this application process.

- Completed Special Event Permit Application (Online Form or print form can be requested at events@apopka.net).
- Event Description
- A non-refundable application fee of \$50.00 or completed application for waiver of permit fee is due when application is submitted. *Staff will contact you about this step.*
- A certificate of general liability insurance listing the "City of Apopka" as 'Additional Insured' must be submitted. Copy of the declaration sheet and endorsement page must be included. Additional insurance may be required, please see the event insurance requirements.
- A site plan (Map) or Parade/Race Route **MUST** be submitted with your application. Map must identify location of staging, tents, parking, barricades, vendors, and restrooms and must be to scale.
- Letter from the property owner granting permission for use of their property. (if on private property)
- If alcohol will be served at your event you must include the alcohol permit and insurance with the completed permit
- Copies of flyers and advertisements.
- Policies and protocols in regards to CDC Guidelines/COVID-19 & social distancing

Applicant must be present for duration of event.

Organization Name Armando Borjas Jr Scholarship Foundation

Name of Applicant Dylan Spencer

Mailing Address 175 E 5TH ST

City APOPKA

State FL

Zip Code 32703

Cell Phone 407-408-0041

Email dspencer@apopka.net

Is your organization a Non – Profit (501C3) OR Tax Exempt Organization?

Yes

State of Florida Tax ID Number 85-8017629101C-2

A copy of your 501C3 non-profit certificate is required for non-profit status. Otherwise taxes will be charged.

Please attach a copy of your 501C3 non-profit certificate

File(s) attached:



20230526104549548.pdf

Name of the Event 911 Memorial 5K

Date(s) of the Event ~~September 30th 2023~~ 9/23/23

Hours of the Event 5:00 am - 1pm

Location of the Event Downtown Apopka (see attached map)

Does the location of the event take place on Public or Private Property?	Yes
--	-----

Anticipated attendance: 250

Briefly describe the event and all activities that will occur during the event:	Memorial 5K to honor the memory of the 343 FDNY, 37 PAPD, and 23 NYPD members who tragically lost their lives on 9/11. This event will take place in downtown Apopka.
---	---

Event Category

- Organized Run/Walk

Are there flyers or advertisements for this event?	No
Will there be admission fees to your event?	Yes
Will you be serving alcohol?	No
Is your event open to the public?	Yes
Does your event include food concession?	No
Do you intend to have food trucks at your event?	No
Will there be merchandising vending at your event?	No
Will they need electric?	Yes

Additional fees apply for electric use.

Will you be hiring a private security company for the event?	No
Do you require overnight security?	No
Are there musical entertainment features related to your event?	No
Will amplified sound be used during the event?	No
Will any streets be closed or will the flow of traffic be affected by the event?	Yes
Does your event include the use of tents?	Yes

Please indicate tent location & size on layout. Permits and ground locates may be required.

What size of tents? 10x10

Will inflatables be used at your event?	No
Will your event include any fireworks or pyrotechnics?	No

Layout map for event

File(s) attached:



Date/Time (on site load in and load out)

For events that are held on City Property, set up days and load out days may require additional fees.

Setup/Load In

Date	09/29/2023
Start Time	5:00 PM (EDT)
End Time	8:00 PM (EDT)

Event Dates

Date	09/30/2023 9/23/23
Start Time	8:00 AM (EDT)
End Time	12:00 PM (EDT)

Take Down/Load Out

Date	09/30/2023 9/23/23
Start Time	12:00 PM (EDT)
End Time	2:00 PM (EDT)

I, Being the Applicant/Event Organizer, have read and understand the guidelines contained within the City of Apopka's Special Event Permit Application and agree to conduct my event in accordance. I further understand that failure to abide by these guidelines may result in the denial or forfeiture of my Special Event Permit.

The City of Apopka is not responsible for lost, stolen or damaged items.

I acknowledge that the information contained in this application is true, correct, and complete to the best of my knowledge.

Applicant Signature

Name of Applicant Dylan Spencer

Title of Applicant Board Member

Date Submitted ~~05/26/2023~~ 09/23/2023

The Applicant/Event Organizer shall maintain at all times throughout the duration of the event, a current insurance policy naming the City of Apopka as an additional insured providing coverage for all approved event activities and must be active on the date(s) of the event, including the set-up and break-down period. Failure to provide proof of adequate coverage will result in the denial of the special event permit or cancellation of the event. The City may require subcontractors acting on behalf of the Applicant/Event Organizer to provide proof of insurance or other related documents depending on the scope or location of the event.

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REQUIREMENTS

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- The City is not responsible or liable for any damage, loss or theft to any vendor or event participant.
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INSURANCE

Before activity setup, or any other site activity begins, Applicant/Event Organizer must have a Certificate of Liability Insurance **(including all extensions to the insurance certificate—to also include a copy of the complete insurance policy)** on file with the City's Risk Management Division. The cost of such insurance shall be the responsibility of the Applicant/Event Organizer and must meet ALL requirements as directed by the City of Apopka. The City reserves

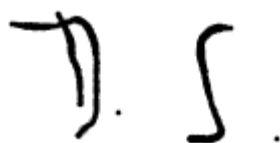
the right to increase coverage as determined for higher risk events or activities. This insurance policy must remain in effect throughout the entire duration of the property use beginning with load-in and ending at the conclusion of load-out.

- Applicant/Event Organizer shall, at its sole cost and expense, procure and maintain throughout the term of this agreement, Commercial General Liability and Workers' Compensation insurance, including Employer Liability insurance, with minimum policy limits of \$1,000,000 Combined Single Limits, or to the extent and in such amounts as required and authorized by Florida Law. If such GL insurance contains a general aggregate limit, it shall apply separately to this event in the amount of \$2,000,000. Products and completed operations aggregate shall be \$1,000,000. Damage to rented premises shall be included at \$100,000. The event Applicant/Event Organizer and their representatives who wish to drive on City property to set up or tear down for events, and/or Food Trucks and/or any vehicle that functions as the workplace or is used to perform contracted work must provide an Automobile Liability insurance policy in the minimum amount of \$300,000 Combined Single Limit. If alcohol is being served, the Applicant/Event Organizer shall provide evidence of coverage for liquor liability in the minimum amount of \$1,000,000. The insurance policy must not exclude Personal Injury/Advertising Injury, Medical, volunteer coverage or spectator liability.
- All insurance policies shall: 1) provide that the insurance carrier shall not cancel, terminate or otherwise modify the terms and conditions of said policies except upon thirty days written notice to the City's contract administrator; 2) be evidenced by an endorsed Certificate of Insurance generated and executed by a licensed insurance broker, brokerage, or similar licensed insurance professional evidencing such coverage, and naming the City of Apopka as a named additional insured, as well as furnishing the City with a certified copy, or copies, of said insurance policies; and 3) be approved as to form and sufficiency by the City's contract administrator. The original insurance certificate(s) and all extensions to the insurance certificate(s) should be sent to: City of Apopka, Risk Management, 120 East Main Street, Apopka, FL 32703 or e-mailed to riskmanagement@apopka.net. All insurance coverage shall be written with a company having an A.M. Best Rating of at least the "A" category and size category of VIII.
- Applicant/Event Organizer is solely responsible for all applicable policy premiums, deductibles, and/or self-insured retention attached to any required coverages. Said insurance coverages procured by the Applicant/Event Organizer as required herein, including but not limited to any excess and/or umbrella coverages, shall be considered, and the Applicant/Event Organizer agrees that said insurance coverages it procures as required herein shall be considered, as primary insurance over and above any other insurance, or self-insurance, available to the City, and that any other insurance, or self-insurance available to the City shall be considered secondary to, or in excess of, the insurance coverage(s) procured by the Applicant/Event Organizer as required herein.
- Applicant/Event Organizer shall require and verify that all subcontractors, including but not limited to concessionaires, vendors, exhibitors, and entertainers, maintain insurance meeting all of the requirements stated herein. Furthermore, the insurance policy held by the Applicant/Event Organizer shall have no endorsement(s) restricting, limiting or excluding the subcontractors or work on behalf of the Applicant/Event Organizer by a subcontractor. The Certificate of Insurance submitted by the Applicant/Event Organizer must clearly state that all such subcontractors are "Named Insureds".

Nothing herein shall be construed to extend the City of Apopka's liability beyond that provided in section 768.28, Florida Statutes.

By signing below, I acknowledge that I have read and understand the insurance requirements contained herein. I further understand that my permit application may be declined if I fail to provide the appropriate insurance coverage.

Signature of Applicant



Name of Applicant

Dylan Spencer

Title of Applicant	Board Member
Sponsoring Organization Name	Armando Borjas Jr Scholarship Foundation

DWTN APK 5K





City of Apopka CITY COUNCIL STAFF REPORT

Section: BUSINESS (Action Item)

Item #: 2.

Meeting Date: August 2, 2023

Department: Finance Department

SUBJECT:

Authorize the issuance of evaluated and sole source memos: Institute for Human Development

REQUEST:

Approve the issuance of sole source memos for fiscal year (FY) 2023

SUMMARY:

The departments purchase large amounts of various commodities in its daily operations, including equipment, tooling, and services throughout the year. This purchasing may be accomplished via sole source memo when only one vendor is able to provide or meet the City's requirements. In accordance with Section 107.3 of the City's Purchasing Policy:

107.3.9.8.3. SOLE SOURCE.

Sole Source procurements are proprietary and used when only one vendor is able to provide commodities, contractual services, or construction services of adequate quality or quantity that meet the City's requirements, or when compatibility with existing systems requires procurement from a single source. Note: A memo of explanation must be sent to the appropriate approval authority along with the requisition documentation being attached to the purchase order. The City Administrator must give approval for the Sole Source designation. The Sole Source designation will expire each fiscal year after approval and may be renewed upon submission of a new request with documentation. Sole Source designations above \$50,000.00 must be noticed per Section 287.057(3)(c), Florida Statutes.

Contingent to any purchase order being issued, the listed pricing sources are reviewed by the appropriate departments and legal review where applicable. City Council staff report approvals, source memos and contractual information are kept on record with each purchase order issued. In accordance with Section 107.3.9.8.3 & 107.3.9.8.4. of the City's Purchasing Policy, staff requests blanket purchase order approval of the attached vendors for the purchase of the referenced commodities. The amounts shown will remain within the approved budget as designated.

Department	Vendor	Description	Amount	Pricing Source
Human Resources	Institute for Human Development Robert Spencer	Training	\$54,765	Sole Source

Vendor: Institute for Human Development - Robert Spencer

Department: Human Resources (within FY23 budget appropriations)

Description: Training

Total amount requested: \$54,765

Pricing Source: Sole Source

Policy Requirements:

Sole Source procurements are proprietary and used when only one vendor is able to provide commodities, contractual services, or construction services of adequate quality or quantity that meet the City's requirements:

- a. The Institute for Human Development, Inc., owned and operated by Robert Spencer, who is the sole proprietor, provides leadership and change management training. This organization offers customized training programs designed to meet organizational objectives. The Institute for Human Development, Inc. has 30 years of experience providing such services to other organizations, including Lockheed-Martin and Walt Disney Company. The Institute for Human Development offers a unique process for leadership development and professional coaching utilizing the DiSC personality evaluation. The Institute of Human Development, Inc. provides leadership training to supervisors, managers, and directors in the fall of 2022. Provided leadership training to the Mayor and City Administrator in the first quarter of 2023 and also leadership development/one-on-one coaching for the Fire Chief in the summer of 2023.

Compatibility with existing systems requires procurement from a single source:

- a. The City of Apopka has utilized the Institute for Human Development, Inc. for leadership training during the fall of 2022. This organization is familiar with the organization's history and goals, along with its culture. The Institute for Human Development, Inc. is also familiar with the leadership goals and challenges faced by the organization.

Justification: Continued leadership development in the succession planning of new supervisors/managers and those selected high-performing employees. Leadership development will incorporate training and one-on-one coaching for supervisors and managers.

History:

- Procurement method under sole source designation.

FUNDING SOURCE:

Approved FY23 budget

RECOMMENDED MOTION:

Approve the issuance of blanket purchase orders to the referenced vendors, not to exceed budgetary appropriations.

ATTACHMENTS:

None



City of Apopka CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

Item #: 1.

Meeting Date: August 2, 2023

Department: Community Development

SUBJECT:

Ordinance Number 3018 - First Reading - Annexation - Word of Life Church

REQUEST:

Accept Ordinance Number 3018 and hold it over for second reading and adoption

SUMMARY:

ZONING REPORT

This chart includes the relationships to adjacent properties:

Direction	Future Land Use	Zoning	Present Use
North	Low Density Suburban Residential	RSF-1B	Rock Springs Estates subdivision
South	Low Density Suburban Residential	RSF-1B	Rock Springs Estates subdivision
East	County Low Density	County A-2	Residential and agricultural buildings
West	Low Density Residential	RMF	Errol Estate drainage/retention tract

SUMMARY:

The subject property is contiguous to the City limits on the north, east and south boundaries, therefore, eligible for annexation pursuant to Florida Statute 171.044. The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. Assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council. The intent of the applicant is to annex the existing Word of Life Church into the City of Apopka.

ORANGE COUNTY NOTIFICATION:

The JPA (Joint Planning Agreement) requires the City to notify the County before any public hearing or advisory board. The City notified Orange County on June 5, 2023.

PUBLIC HEARING SCHEDULE:

August 2, 2023 – City Council (1:30 P.M.) – First Reading
August 16, 2023 – City Council (1:30 P.M.) – Second Reading and Adoption

DULY ADVERTISED:

July 21, 2023 – Apopka Chief
July 28, 2023 – Apopka Chief

DEVELOPMENT REVIEW COMMITTEE:

Recommends approval of the annexation of the Word of Life Church, located at 1853 Vick Road.

FUNDING SOURCE:

N/A

RECOMMENDED MOTION:

Accept the first reading of Ordinance Number 3018 and hold it over for second reading and adoption on August 16, 2023 or soon thereafter.

ATTACHMENTS:

1. Supporting documentation

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AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY WORD OF LIFE CHURCH APOPKA; LOCATED AT 1853 VICK ROAD, COMPRISING 5.73 ACRES, MORE OR LESS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Word of Life Church, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at 1853 Vick Road; and

WHEREAS, Section 171.044, Florida Statutes, provides that the City may annex property into its corporate limits upon voluntary petition of its owners, by passing and adopting an ordinance to annex said property at a regular meeting; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Section 171.044, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida, as follows:

SECTION I: That the following property, described to wit:

THE N 396 FT OF SW1/4 OF NW1/4 OF NW1/4 OF SEC 33-20-28 (LESS W 30 FT FOR RD R/W PER 4253/3637)

CONTAINING 5.73 ACRES MORE OR LESS.

being compact and contiguous to the City of Apopka, and being situated in Orange County, Florida, totaling **5.73 +/- acres** (Graphically depicted by the attached Exhibit A), is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws,

ORDINANCE NO. 3018

PAGE 2

ordinances and regulations of the City.

SECTION V: That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION VI: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: _____

READ SECOND TIME
AND ADOPTED: _____

ATTEST:

Bryan Nelson, Mayor

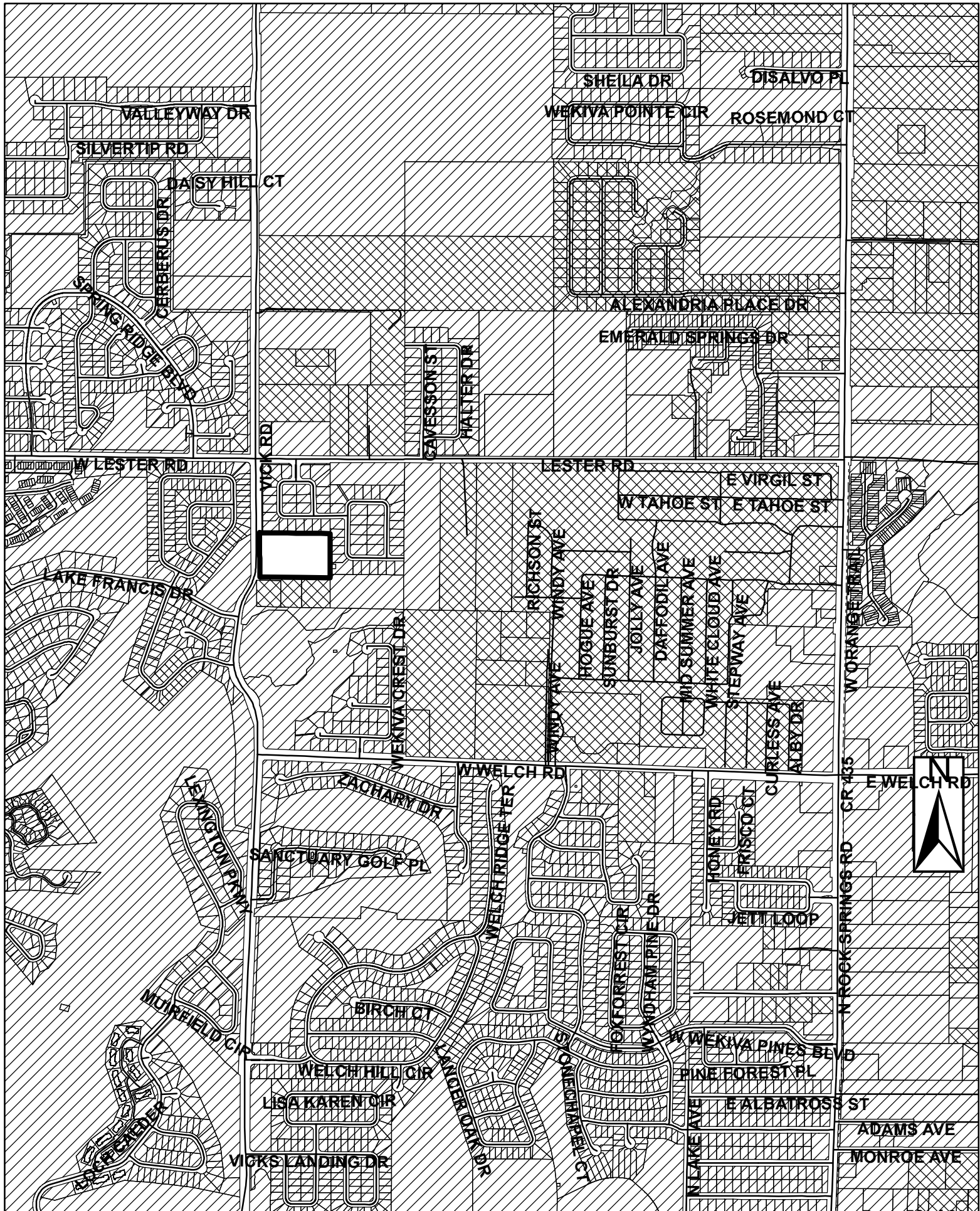
Susan M. Bone, City Clerk

APPROVED as to form and legality

Cliff Sheppard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: July 21, 2023 and July 28, 2023

Location Map





City of Apopka CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

Item #: 2.

Meeting Date: August 2, 2023

Department: Community Development

SUBJECT:

Ordinance Number 3017 - First Reading - Small-Scale Future Land Use Amendment - Community Health Centers

REQUEST:

Approve first reading of Ordinance Number 3017, Future Land Use Map Amendment from Office to Mixed-Use for 225 E. 7th Street, and hold it over for second reading and adoption.

SUMMARY:

Zoning Report

This chart includes the relationships to adjacent properties:

Direction	Future Land Use	Zoning	Present Use
North	Office	MU-D (Mixed-Use Downtown)	Vacant
East	Residential Medium	MU-D	Single-family residence
South	Industrial, Office	MU-D	Medical office building
West	Commercial	MU-D	Medical office building

PROJECT SUMMARY:

The applicant has submitted a Small-Scale future land use amendment from Office to Mixed-Use for 225 E. 7th Street, which is the site of the Community Health Centers medical office building. The applicant is requesting the future land use amendment to allow an increase in floor area ratio (FAR) on the subject property for a proposed future expansion of the existing medical office building. Per Policy 3.1.j of the Future Land Use Element of the Comprehensive Plan, the existing Office future land use designation allows a maximum floor area ratio (FAR) of 0.3. Future Land Use Element, Policy 3.1.r allows a maximum FAR of 2.0 for properties in the Central Business District that have a Mixed-Use future land use designation.

As previously stated, the applicant has plans to expand the existing 12,825 square foot facility by an additional 10,720 square feet, which exceeds the maximum FAR of 0.3 under the Office future land use designation, which permits a maximum of 19,602 square feet of building area. Under the Office future land use designation, the maximum additional building area that can be added is 6,254 square feet. The proposed expansion can be accomplished under the Mixed-Use future land use designation, which allows a FAR of up to 2.0 in the Central Business District.

The Mixed-Use future land use designation is compatible with the area as properties in the vicinity have Future Land Use designations of Mixed-Use. The request is also consistent with the intent of the MU-D (Mixed-Use – Downtown) Zoning District, in which this property is located.

SCHOOL CAPACITY REPORT:

As the subject property is used for non-residential purposes, school capacity is not applicable.

ORANGE COUNTY NOTIFICATION:

The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on June 2, 2023.

PUBLIC HEARING SCHEDULE:

July 11, 2023 – Planning Commission (5:30 P.M.)

August 2, 2023 – City Council (1:30 P.M.), First Reading

August 16, 2023 – City Council (7:00 P.M.), Second Reading and Adoption

DULY ADVERTISED:

June 26, 2023 – Poster Placed on Property

June 27, 2023 – Mailed Notices to Adjacent Property Owners

June 30, 2023 – Advertised in the Apopka Chief

Recommended Action:

Development Review Committee:

Recommends approval of the change in Future Land Use from Office to Mixed-Use and finds the proposed amendment consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, recommending approval of the future land use amendment, based on the findings and facts presented in the staff report and exhibits.

Planning Commission:

At the July 11, 2023 meeting, the Planning Commission found the proposed change in Future Land Use from Office to Mixed-Use consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, recommending approval of the future land use amendment, based on the findings and facts presented in the staff report and exhibits and unanimously recommended approval.

LAND USE REPORT

RELATIONSHIP TO ADJACENT PROPERTIES

Direction	Future Land Use	Zoning	Present Use
North	Office	MU-D (Mixed-Use Downtown)	Vacant
South	Residential Medium	MU-D	Single-family residence
East	Industrial, Office	MU-D	Medical office building
West	Commercial	MU-D	Medical office building

LAND USE ANALYSIS

Mixed uses are planned for this area of the City due to its location within the City’s MU-D (Mixed-Use – Downtown) Zoning District. Development must comply with the Mixed-Use future land use designation and be consistent with the Comprehensive Plan policies, Development Design Guidelines, and Land Development Code. The property is currently developed and is approximately 1.5 acres in size. This future land use amendment is being requested to allow additional FAR beyond what is permitted in the Office future land use designation to allow for a future 10,720 square foot expansion of the existing medical office building that is located on site. The parcel is not located in the following areas:

- Wekiva Parkway Interchange Vision Plan Area: No
- Wekiva River Protection Area: No
- Area of Critical State Concern: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The proposed FLUM Amendment request for a change from Office to Mixed-Use is consistent with the terms of the JPA (Second Amendment).

City of Apopka Comprehensive Plan Policies:

Future Land Use Element:

Policy 3.1.r states that the primary intent of the Mixed-Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities uses to serve the residential and non-residential needs of special areas of the City. The maximum floor area ratio is 2.0 gross floor area in the Central Business District (CBD).

Transportation Element:

Policies 1.1 and 1.2 state that the City of Apopka is a Transportation Concurrency Exception Area. The property may be accessed from the northeast via an access easement.

Infrastructure Element:

Policies 1.1.1, 2.1.1 and 5.1.2 state the minimum levels of service for the City’s wastewater and water systems as well as the City’s solid waste collection service. The property currently has access to City water. City wastewater and reclaimed water are available for future connection. Additional demand can be provided by the City.

Conservation Element:

Policy 4.1 states that a habitat study is required for developments ten (10) acres or more in size. Therefore, a habitat study will not be required if a proposed development on this parcel.

Land Use Calculations:

CURRENT: Office (0.3 FAR maximum)

0.3 X 1.5 acres (65,340) square feet = 19,602 square feet of non-residential maximum building area

PROPOSED: Mixed-Use (2.0 floor area ratio)

2.0 X 1.5 Acres (65,340 square feet) = 130,680 square feet of non-residential area maximum building area.

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Note: This item is considered legislative. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

FUNDING SOURCE:

N/A

RECOMMENDED MOTION:

Approve first reading of Ordinance Number 3017 and hold it over for second reading and adoption on August 16, 2023.

ATTACHMENTS:

1. Supporting documents

Vicinity



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

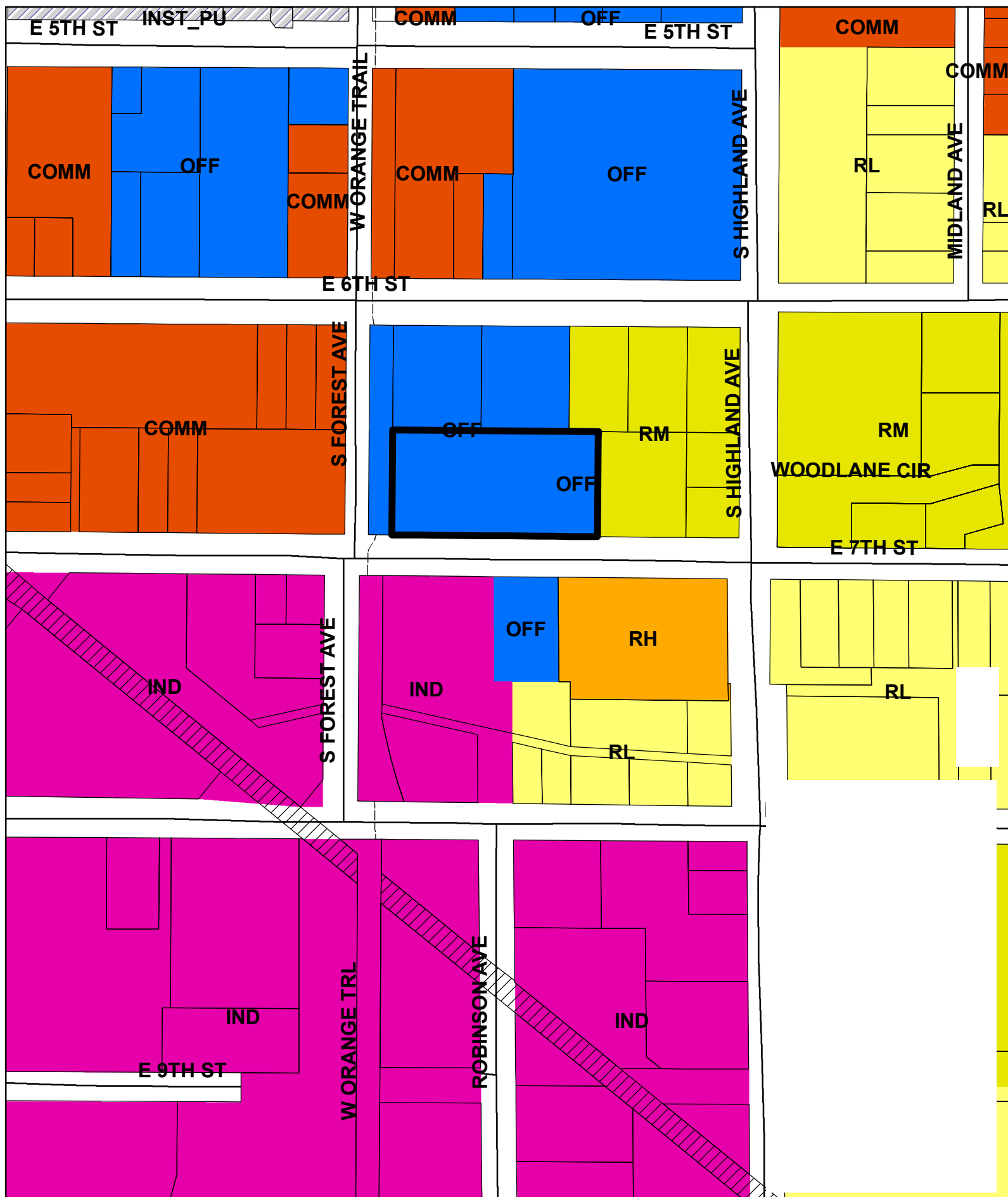
Zoning



Source: Esri, Maxar, Earthstar Geo

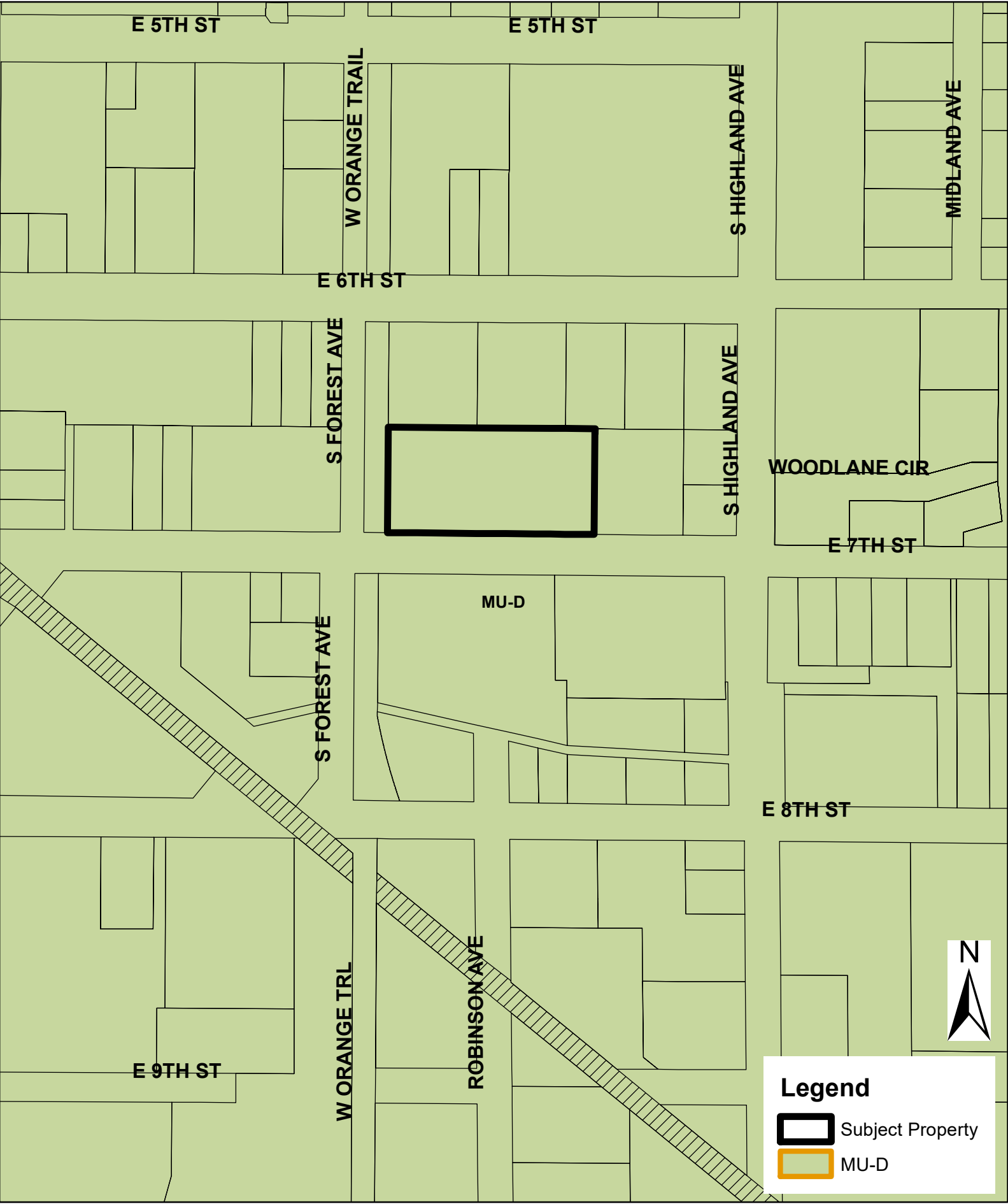
(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Future Land Use



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Zoning



AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM OFFICE TO MIXED-USE FOR A PORTION OF CERTAIN REAL PROPERTY LOCATED AT 225 E 7TH STREET, OWNED BY COMMUNITY HEALTH CENTERS, INC., COMPRISING 1.5 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE.

WHEREAS, the City of Apopka's Local Planning Agency (Planning Commission) has, in preparation of the amended version of the Apopka Comprehensive Plan, analyzed the proposed amendment pursuant to Chapter 163, Part II, F.S., found it to be consistent with the intent of the Apopka Comprehensive Plan, and held public hearings providing for full public participation.

Section I. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section III. Applicability and Effect. The applicability and effect of the City of Apopka Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes.

Section VI. Effective Date. This Ordinance shall become effective thirty-one (31) days after adoption. If challenged within thirty (30) days after adoption, the Ordinance shall become

ORDINANCE NO. 3017

PAGE 2

1 effective after the state land planning agency or the Administration Commission, respectively,
2 issues a final order determining that the adopted small-scale development amendment is in
3 compliance.
4

5 ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this
6 _____ day of _____, 2023.

READ FIRST TIME: August 2, 2023

READ SECOND TIME AND
ADOPTED: _____

ATTEST:

Susan Bone, City Clerk

Bryan Nelson, Mayor

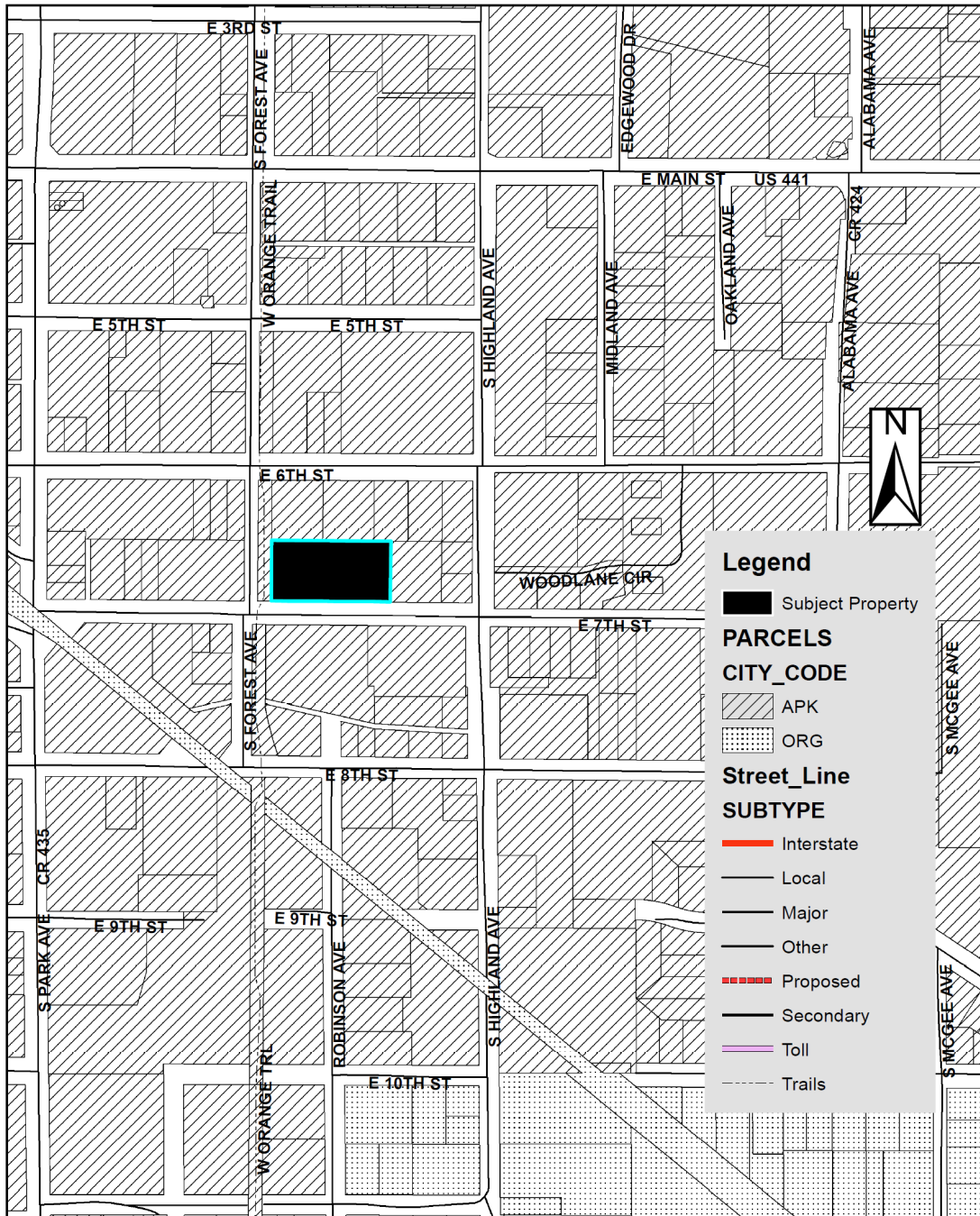
Approved as to form and legal sufficiency:

Cliff Sheppard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: June 30, 2023

EXHIBIT “A”

Parcel Identification Number(s): 09-21-28-0196-61-100





City of Apopka CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

Item #: 3.

Meeting Date: August 2, 2023

Department: Community Development

SUBJECT:

Ordinance Number 3010 – First Reading – Small-Scale Future Land Use Amendment from Industrial to Commercial – Shake the Nations Property

Applicant requests to continue to a date certain of September 6, 2023.

REQUEST:

Continue this first reading to a date certain of September 6, 2023.

SUMMARY:

SUMMARY:

Owner(s): Shake the Nations Ministries, Inc.

Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.

Parcel Identification Number(s): 11-21-28-7900-00-210

Location: 333 Semoran Commerce Place

Existing Future Land Use: Industrial (0.60 floor area ratio maximum)

Proposed Future Land Use: Commercial (0.25 floor area ratio maximum)

Existing Zoning District: I-L (Light Industrial)

Proposed Zoning District: C-COR (Corridor Commercial)

Existing Use(s): Vacant

Tract Size: 2.4 +/- Acres

PROJECT SUMMARY:

The applicant has conveyed to staff that they intend to operate a conference center on the subject property. This application is being processed simultaneously with an application to rezone the property from I-L (Light Industrial) to C-COR (Corridor Commercial) zoning district.

The subject property is 2.4 acres in area (104,544 square feet) and has a building that is approximately 31,490 square feet in area according to the Orange County Property Appraisers (OCPS) records, that was constructed in 1994. The existing future land use designation is Industrial, which permits a maximum floor area ratio (FAR) of 0.6.

The Commercial future land use designation allows a maximum FAR of 0.25. FAR is defined per Land Development Code (LDC) Section 10.2.2.B as the gross floor area (in square feet) devoted to nonresidential development on all floors of all buildings located or proposed on a lot, by lot area (in square feet). FAR standards apply only to nonresidential portions of development. As previously stated, there is an existing building located on site that is approximately 31,490 square feet in area. This building has a FAR of 0.3, which exceeds the maximum allowable FAR in the Commercial future land use designation by 0.05. Changing the future land use designation to Commercial will cause the building to be non-conforming, and in excess of the maximum allowable FAR of the Commercial future land use designation, which is a maximum of 0.25. Furthermore, the applicant has indicated that they have plans for future expansion of the building, which would further increase the non-conforming status of the

building if the future land use designation was changed to Commercial. Since the existing building exceeds the allowable floor area ratio (FAR) of 0.25 of the Commercial future land use designation, staff is recommending denial as the change in future land use designation would create a non-conforming status of the existing building.

The applicant has requested that this reading is continued to a date certain of September 6, 2023.

ORANGE COUNTY NOTIFICATION:

The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on April 10, 2023.

PUBLIC HEARING SCHEDULE:

June 13, 2023 – Planning Commission (5:30 P.M.)

July 5, 2023 – City Council (1:30 P.M.), First Reading - Tabled to August 2, 2023

August 2, 2023 – City Council (1:30 P.M.), First Reading

DULY ADVERTISED:

May 26, 2023 – Apopka Chief

May 30, 2023 – Mailed notices to adjacent property owners; Posters placed on property

July 14, 2023 – Apopka Chief

RECOMMENDED MOTION:

Development Review Committee (DRC):

Staff recommends denial of the change in Future Land Use from Industrial to Commercial and finds the proposed amendment consistent with the Comprehensive Plan and Land Development Code, and incompatible with the character of the surrounding areas, recommending denial of the future land use amendment, based on the findings and facts presented in the staff report and exhibits.

Planning Commission:

At its meeting on June 13, 2023, the Planning Commission found the proposed change in Future Land Use from Industrial to Commercial consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, and unanimously recommended approval of the future land use amendment, based on the findings and facts presented in the staff report and exhibits.

City Council – July 5, 2023

This item was tabled at the request of Staff.

Recommended Motion – City Council:

Continue the first reading to a date certain of September 6, 2023.

LAND USE REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

Direction	Future Land Use	Zoning	Present Use
North	Industrial	I-L (Light Industrial)	Industrial Warehouse
East	Industrial	I-L	Unimproved Parking Lot
South	Commercial	C-C (Community Commercial) and C-R (Regional Commercial)	Office and Business Center
West	Industrial	I-L	Industrial Warehouse

LAND USE ANALYSIS

The subject property is in the southeast portion of the Joint Planning Area. Industrial warehouses and uses are located to the north and west, while commercial uses including an office/business center is located to the south. Development must comply with the Commercial future land use designation and be consistent with the Comprehensive Plan policies and Development Design Guidelines found in the Land Development Code. The property is approximately 2.4 acres in size. The parcel is not located in the following areas:

Wekiva Parkway Interchange Vision Plan Area: No

Wekiva River Protection Area: No

Area of Critical State Concern: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The proposed FLUM Amendment request for a change from Industrial to Commercial is consistent with the terms of the JPA.

City of Apopka Comprehensive Plan Policies:

Future Land Use Element:

Policy 3.1.i – Commercial: Primary uses shall be for business, commerce, and convenience shopping which may be neighborhood or community oriented. The maximum floor area ratio shall be 0.25 gross floor area. Institutional land uses of less than five acres; and public facilities or utilities of less than five acres. The expansion of strip commercial areas shall be prohibited except in infill areas.

Transportation Element:

Policies 1.1 and 1.2 state that the City of Apopka is a Transportation Concurrency Exception Area. The property has existing access to U.S. 441 via Semoran Commerce Place.

Infrastructure Element:

Policies 1.1.1, 2.1.1 and 5.1.2 state the minimum levels of service for the City's wastewater and water systems as well as the City's solid waste collection service. The property has access to City water and wastewater.

Conservation Element:

Policy 4.1 states that a habitat study is required for developments ten (10) acres or more in size. As this property is less than ten acres in size and is developed, a habitat study will not be required for development.

Land Use Calculations:

CURRENT: Industrial (0.60 floor area ratio maximum)
0.60 X 2.4 acres = 62,726 square feet of industrial use(s)
PROPOSED: Commercial (0.25 floor area ratio maximum)
0.25 X 2.4 acres = 26,136 square feet of commercial use(s)

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Note: This item is considered legislative. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

FUNDING SOURCE:

Not applicable.

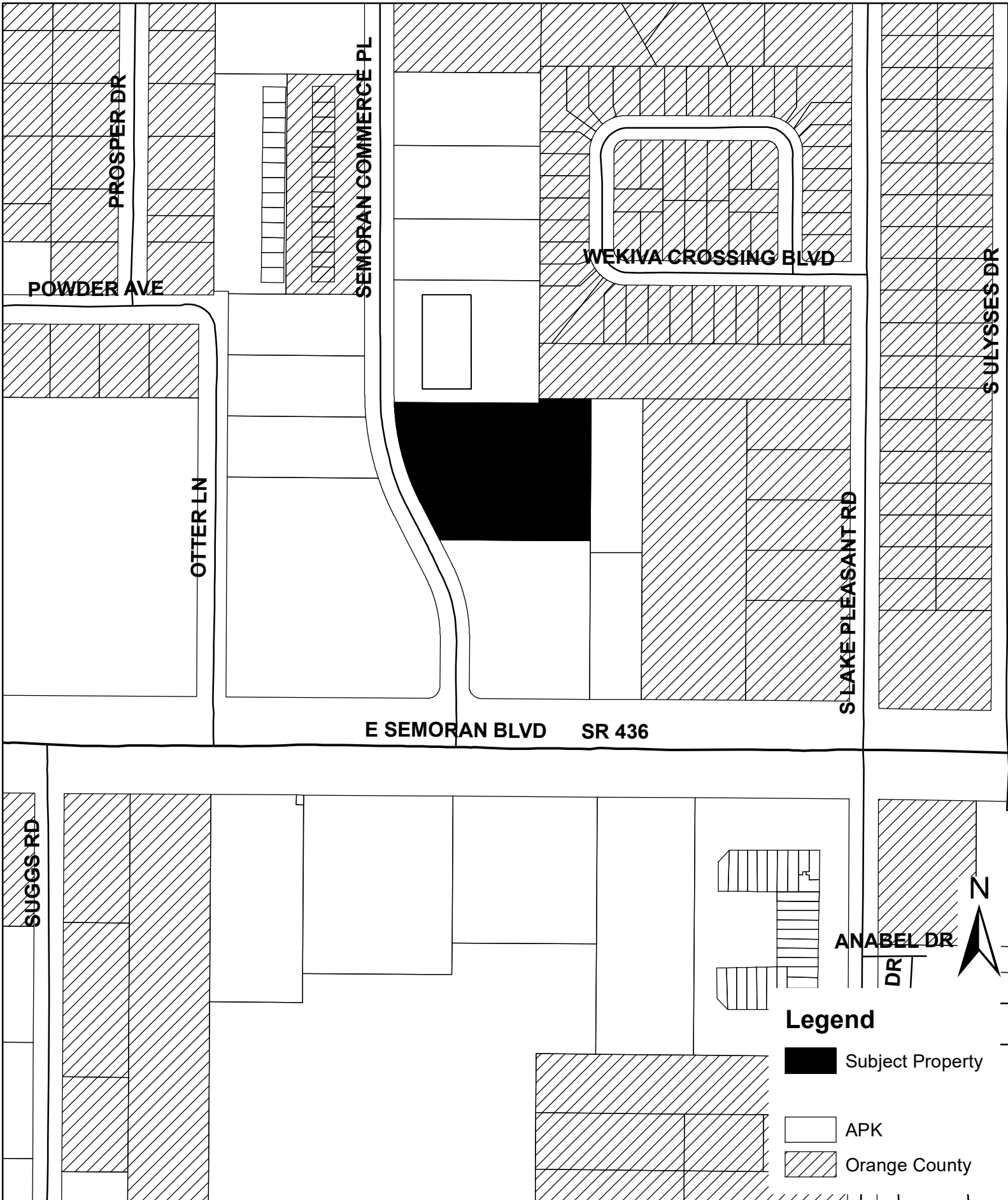
RECOMMENDED MOTION:

Continue the first reading to a date certain of September 6, 2023.

ATTACHMENTS:

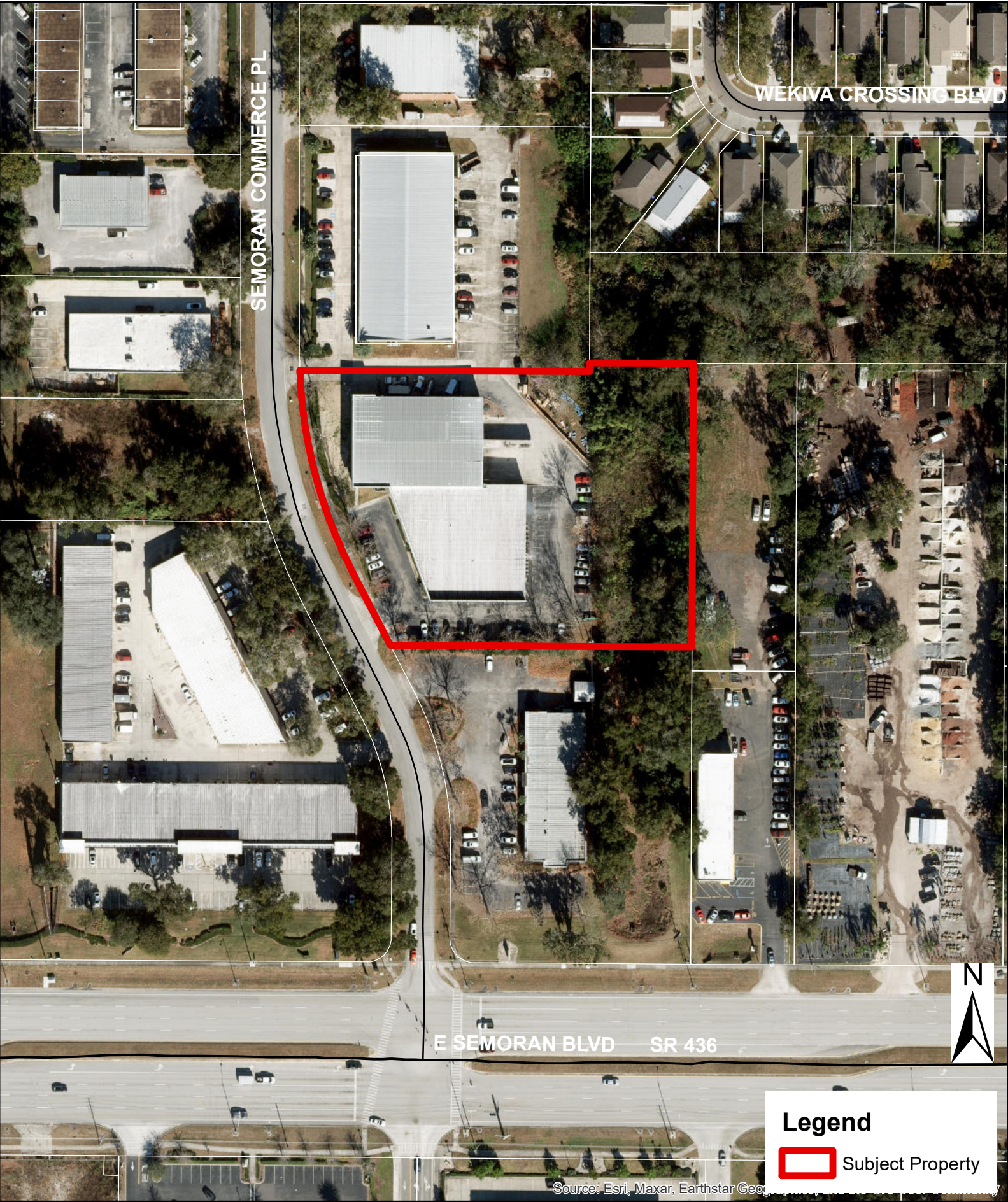
1. Maps
2. Ordinance Number 3010

Vicinity

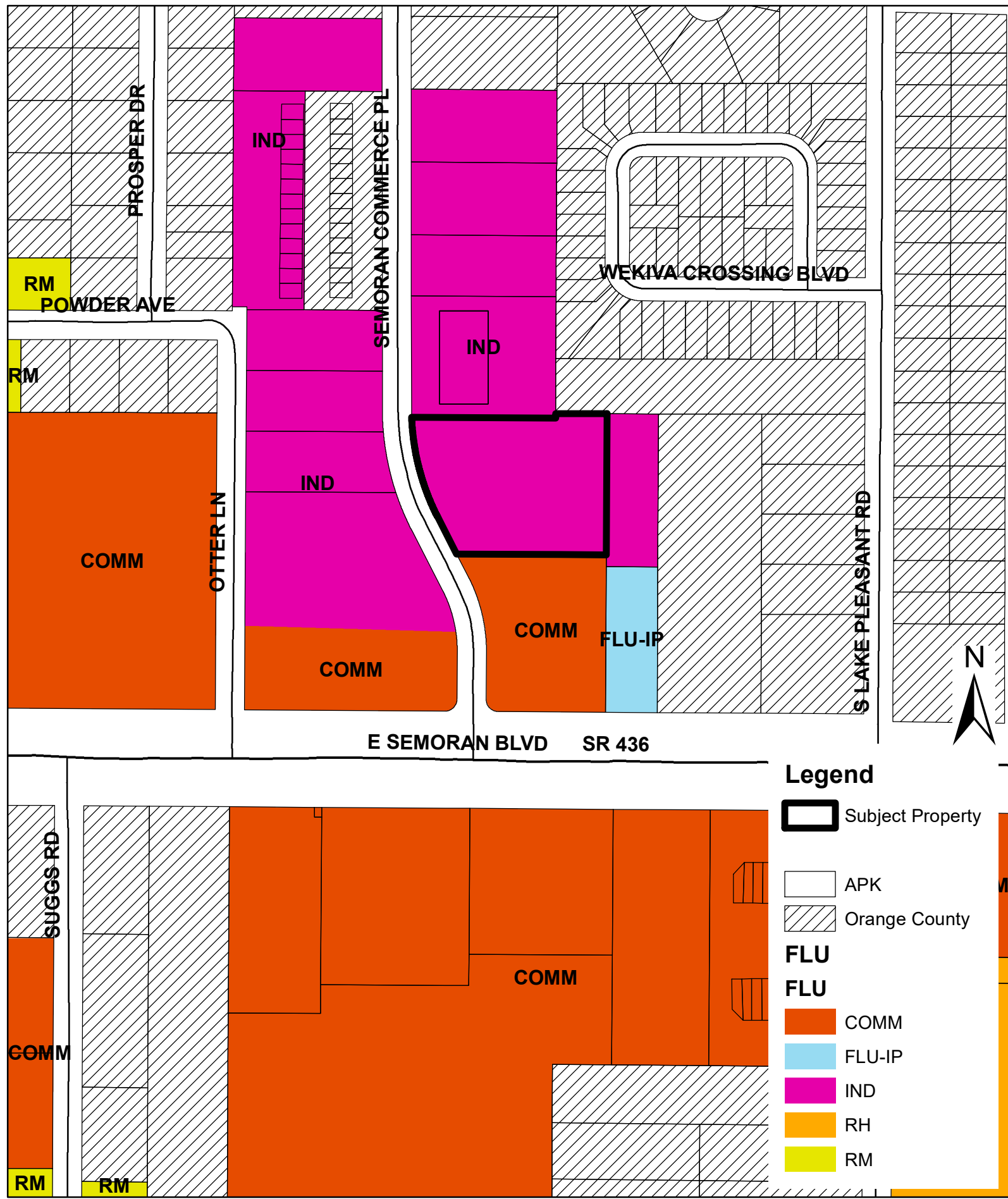


(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Aerial

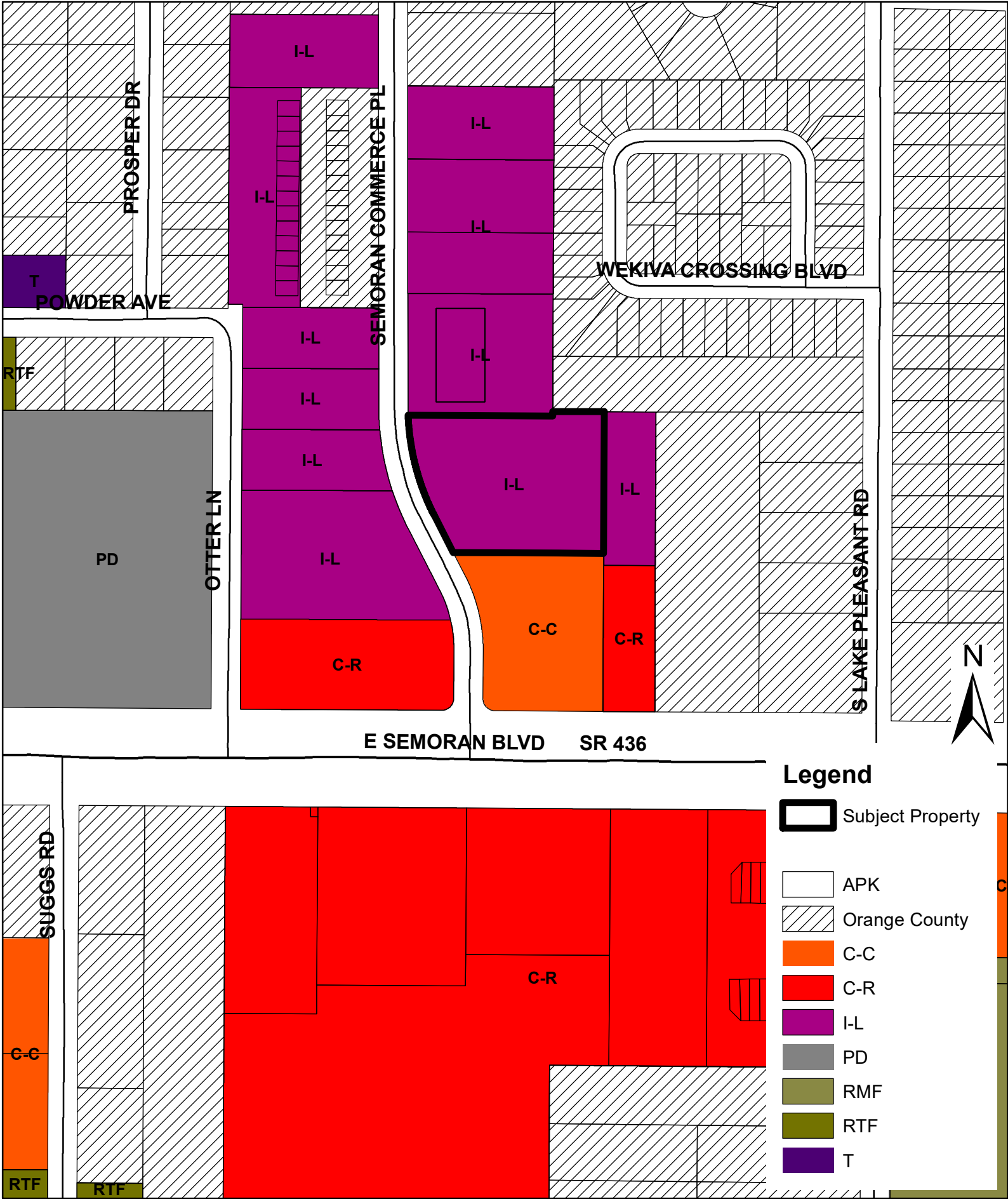


Future Land Use



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Zoning



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

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AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM INDUSTRIAL TO COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF SEMORAN COMMERCE PLACE, WEST OF LAKE PLEASANT ROAD AND NORTH OF SR 436; OWNED BY SHAKE THE NATIONS MINISTRIES, INC., COMPRISING 2.4 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 3004 on May 17, 2023; and

WHEREAS, the City of Apopka's Local Planning Agency (Planning Commission) has, in preparation of the amended version of the Apopka Comprehensive Plan, analyzed the proposed amendment pursuant to Chapter 163, Part II, F.S., found it to be consistent with the intent of the Apopka Comprehensive Plan, and held public hearings providing for full public participation.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Apopka, Florida, as follows:

Section I. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section II. Future Land Use Element. Page 1-32 (Map 1-6) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 3004 is amended in its entirety to change the land use from Industrial to Commercial for certain real property generally located east of Semoran Commerce Place, west of Lake Pleasant Road and north of SR 436, comprising 2.4 acres more or less; as further described in Exhibit “A” attached hereto.

Section III. Applicability and Effect. The applicability and effect of the City of Apopka Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes.

Section IV. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section V. Director Authorization. The Community Development Director is hereby authorized to amend the Future Land Use to comply with this ordinance.

ORDINANCE NO. 3010

PAGE 2

1 **Section VI. Effective Date.** This Ordinance shall become effective thirty-one (31) days
2 after adoption. If challenged within thirty (30) days after adoption, the Ordinance shall become
3 effective after the state land planning agency or the Administration Commission, respectively,
4 issues a final order determining that the adopted small-scale development amendment is in
5 compliance.

6
7 ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this
8 _____ day of _____, 2023.

READ FIRST TIME: July 5, 2023

READ SECOND TIME AND
ADOPTED: July 19, 2023

ATTEST:

Susan Bone, City Clerk

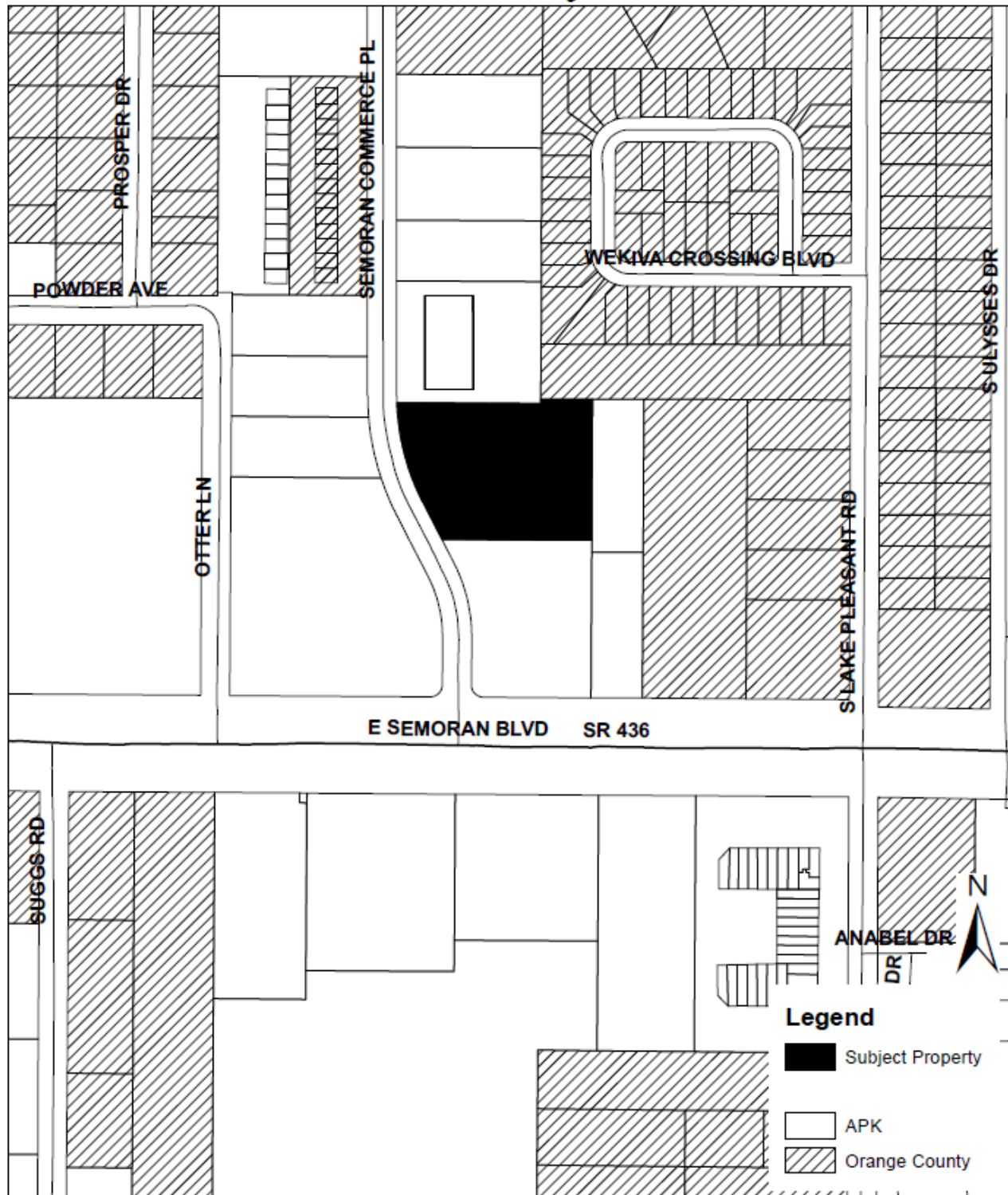
Bryan Nelson, Mayor

Approved as to form and legal sufficiency:

DULY ADVERTISED FOR PUBLIC HEARING: May 26, 2023

EXHIBIT "A"

Parcel Identification Number(s): 11-21-28-7900-00-210





City of Apopka CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

Item #: 4.

Meeting Date: August 2, 2023

Department: Community Development

SUBJECT:

Ordinance Number 3011 – First Reading – Change of Zoning from I-L (Light Industrial) to C-COR (Corridor Commercial) – Shake the Nations Property

Applicant requests to continue to a date certain of September 6, 2023.

REQUEST:

Continue to date certain of September 6, 2023.

SUMMARY:

Summary:

Owner(s): Shake the Nations Ministries, Inc.

Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.

Parcel Identification Number(s): 11-21-28-7900-00-210

Location: 333 Semoran Commerce Place

Existing Future Land Use: Industrial (0.60 floor area ratio maximum)

Proposed Future Land Use: Commercial (0.25 floor area ratio maximum)

Existing Zoning District: I-L (Light Industrial)

Proposed Zoning District: C-COR (Corridor Commercial)

Existing Use(s): Vacant

Tract Size: 2.4 +/- Acres

Direction	Future Land Use	Zoning	Present Use
North	Industrial	I-L (Light Industrial)	Industrial Warehouse
East	Industrial	I-L	Unimproved Parking Lot
South	Commercial	C-C (Community Commercial) and C-R (Regional Commercial)	Office and Business Center
West	Industrial	I-L	Industrial Warehouse

PROJECT SUMMARY:

The subject property is approximately 2.4 acres in size. The applicant requests to change the zoning designation of the Shake the Nations Property from I-L (Light Industrial) to C-COR (Corridor Commercial). This application is being processed simultaneously with an application to amend the Future Land Use designation from Industrial to Commercial. The applicant intends to operate a conference center at the subject property.

The subject property is 2.4 acres in area (104,544 square feet) and has a building that is approximately 31,490 square feet in area according to the Orange County Property Appraisers (OCPS) records, that was constructed in

1994. The existing future land use designation is Industrial, which permits a maximum floor area ratio (FAR) of 0.6, and the existing zoning is I-L (Light Industrial), and the I-L zoning district permits a maximum FAR of 0.4 per LDC Section 3.5.3.C. The Commercial future land use designation allows a maximum FAR of 0.25, and according to Land Development Code (LDC) Section 3.4.7.C, the C-COR zoning district permits a maximum FAR of 0.25. FAR is defined per LDC Section 10.2.2.B as the gross floor area (in square feet) devoted to nonresidential development on all floors of all buildings located or proposed on a lot, by lot area (in square feet). FAR standards apply only to nonresidential portions of development.

As previously stated, there is an existing building located on site that is approximately 31,490 square feet in area. This building has a FAR of 0.3, which exceeds the maximum allowable FAR in the Commercial future land use designation and proposed C-COR zoning district by 0.05. Changing the future land use designation to Commercial, and zoning to C-COR will cause the building to be non-conforming, and in excess of the maximum allowable FAR of the Commercial future land use designation and C-COR zoning district, which both have a maximum FAR of 0.25.

Furthermore, the applicant has indicated that they have plans for future expansion of the building, which would further increase the non-conforming status of the building if the future land use designation was changed to Commercial. Per LDC Section 8.3.3, A nonconforming structure shall not be enlarged or structurally altered in any way that increases the nonconformity". Staff is recommending denial as the change in future land use designation and zoning would expand the non-conforming status of the existing building.

The applicant has requested that this item is continued to a date certain to September 6, 2023.

ORANGE COUNTY NOTIFICATION:

The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on April 10, 2023.

PUBLIC HEARING SCHEDULE:

June 13, 2023 – Planning Commission (5:30 P.M.)

July 5, 2023 – City Council (1:30 P.M.), First Reading – Tabled to August 2, 2023

August 2, 2023 – City Council (1:30 P.M.), First Reading

DULY ADVERTISED:

May 26, 2023 – Apopka Chief

May 30, 2023 – Mailed notices to adjacent property owners; Posters placed on property

July 14, 2023 – Apopka Chief

Recommended Motion:

Development Review Committee (DRC):

Recommends denial of the Change of Zoning from I-L (Light Industrial) to C-COR (Corridor Commercial), finding the proposed change inconsistent with the Comprehensive Plan and Land Development Code, and incompatible with the character of the surrounding areas, based on the findings and facts presented in the staff report and exhibits.

Planning Commission:

At its meeting on June 13, 2023, the Planning Commission found the proposed Change of Zoning from I-L (Light Industrial) to C-COR (Corridor Commercial), consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, and unanimously recommended approval of the proposed Change of Zoning, based on the findings and facts presented in the staff report and exhibits.

City Council – July 5, 2023

This item was tabled at the request of Staff.

Recommended Motion – City Council:

Continue this item to a date certain to September 6, 2023.

Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

FUNDING SOURCE:

Not applicable.

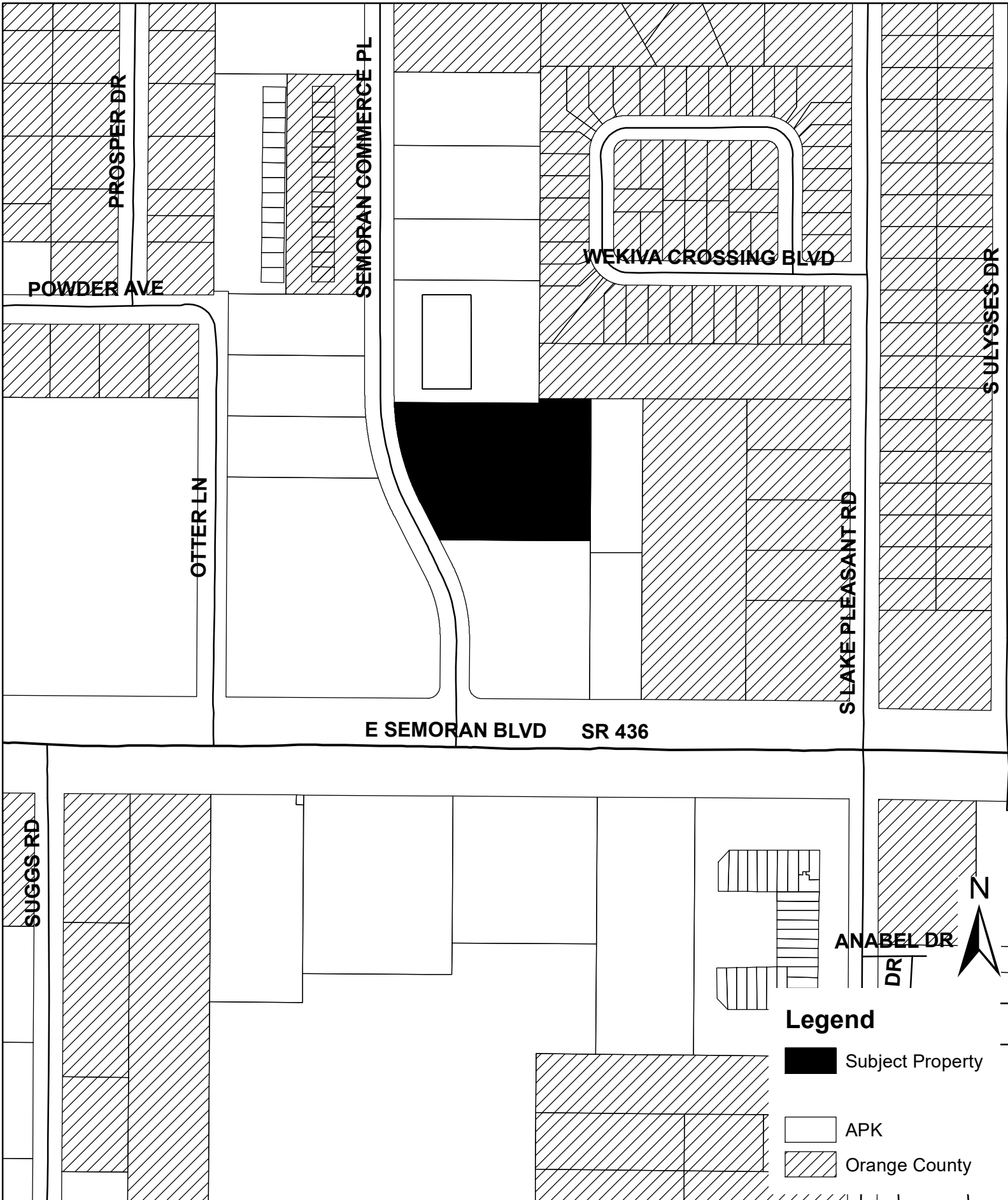
RECOMMENDED MOTION:

Continue this item to a date certain of September 6, 2023.

ATTACHMENTS:

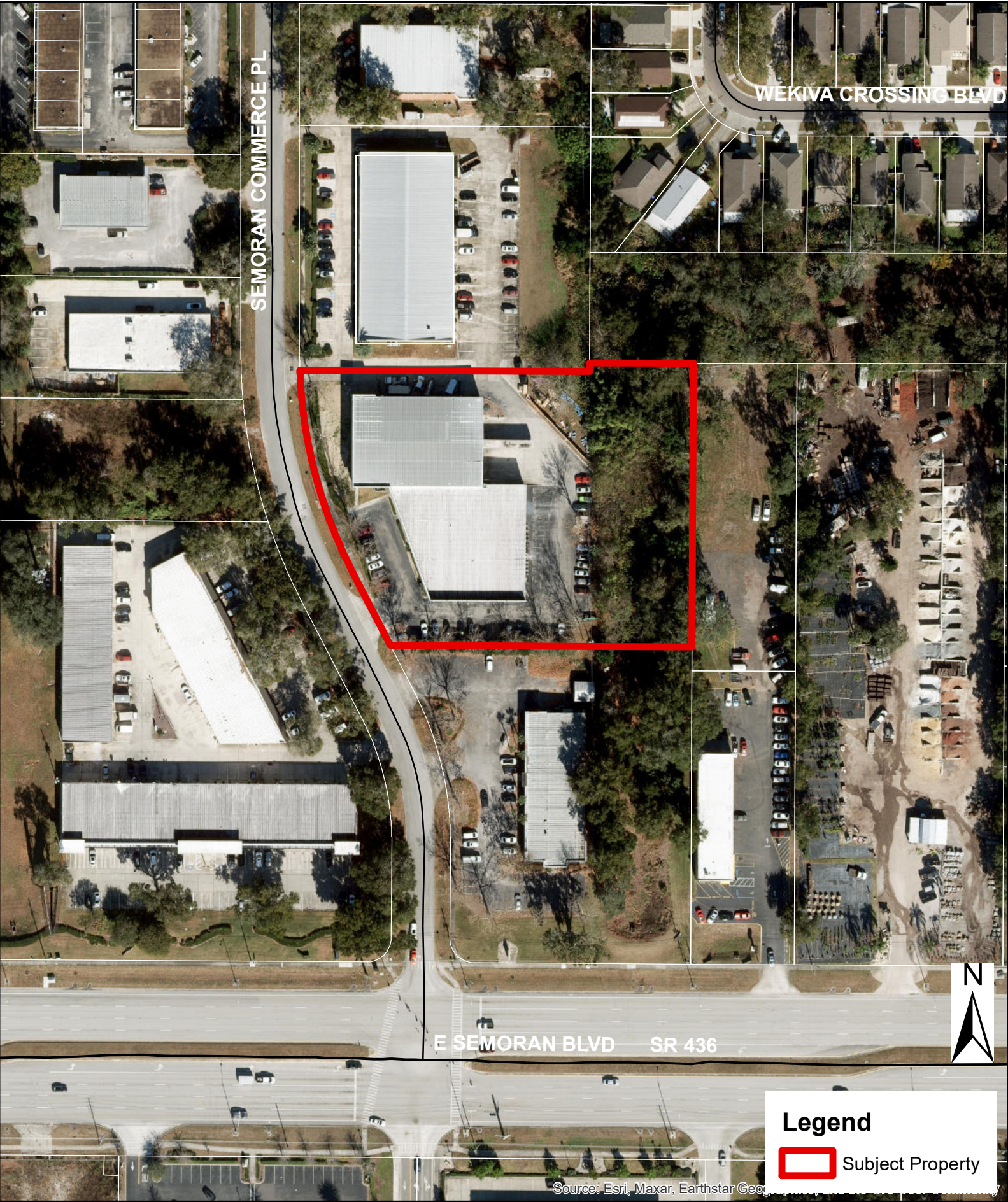
1. Maps
2. Ordinance Number 3011

Vicinity



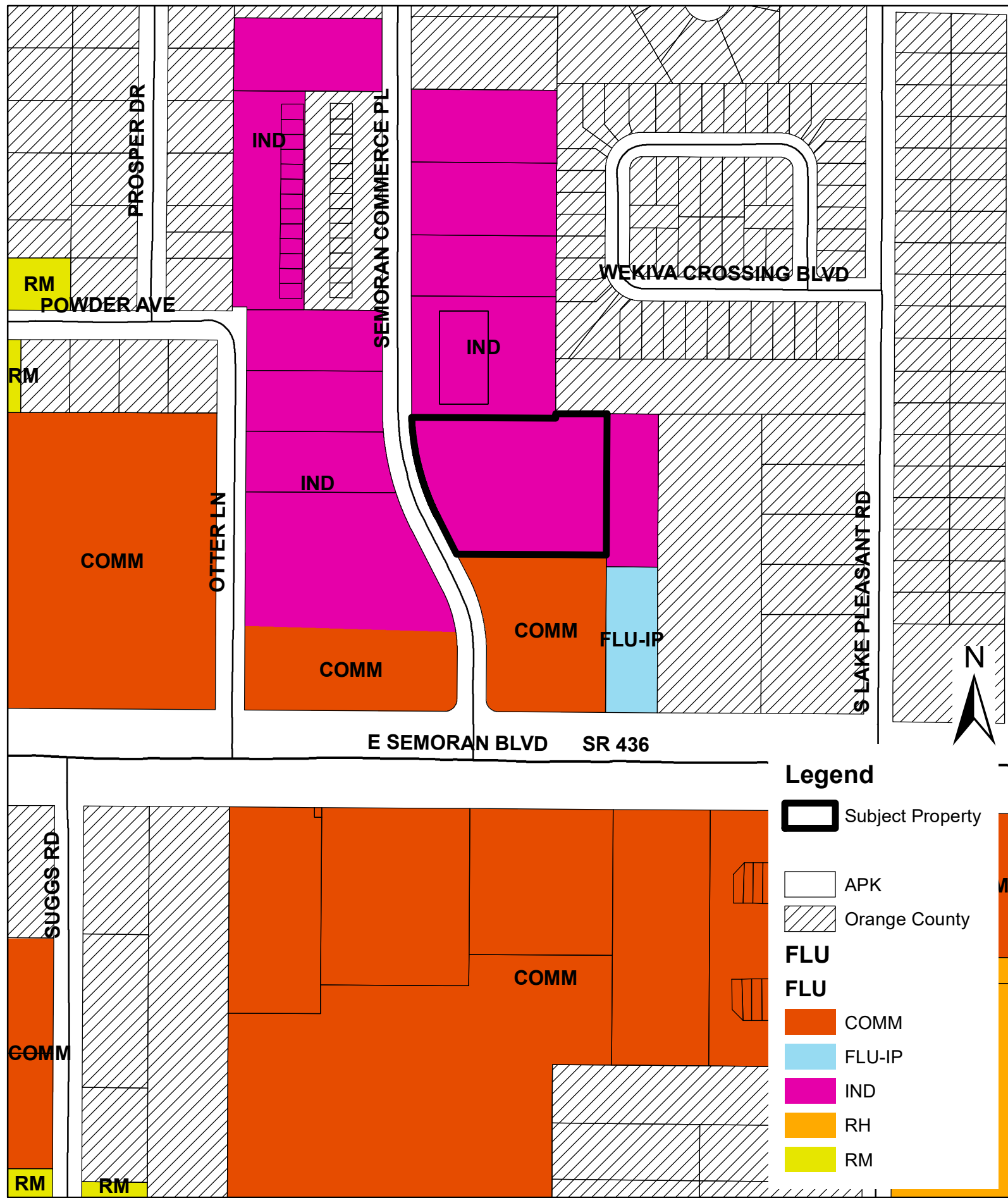
(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Aerial



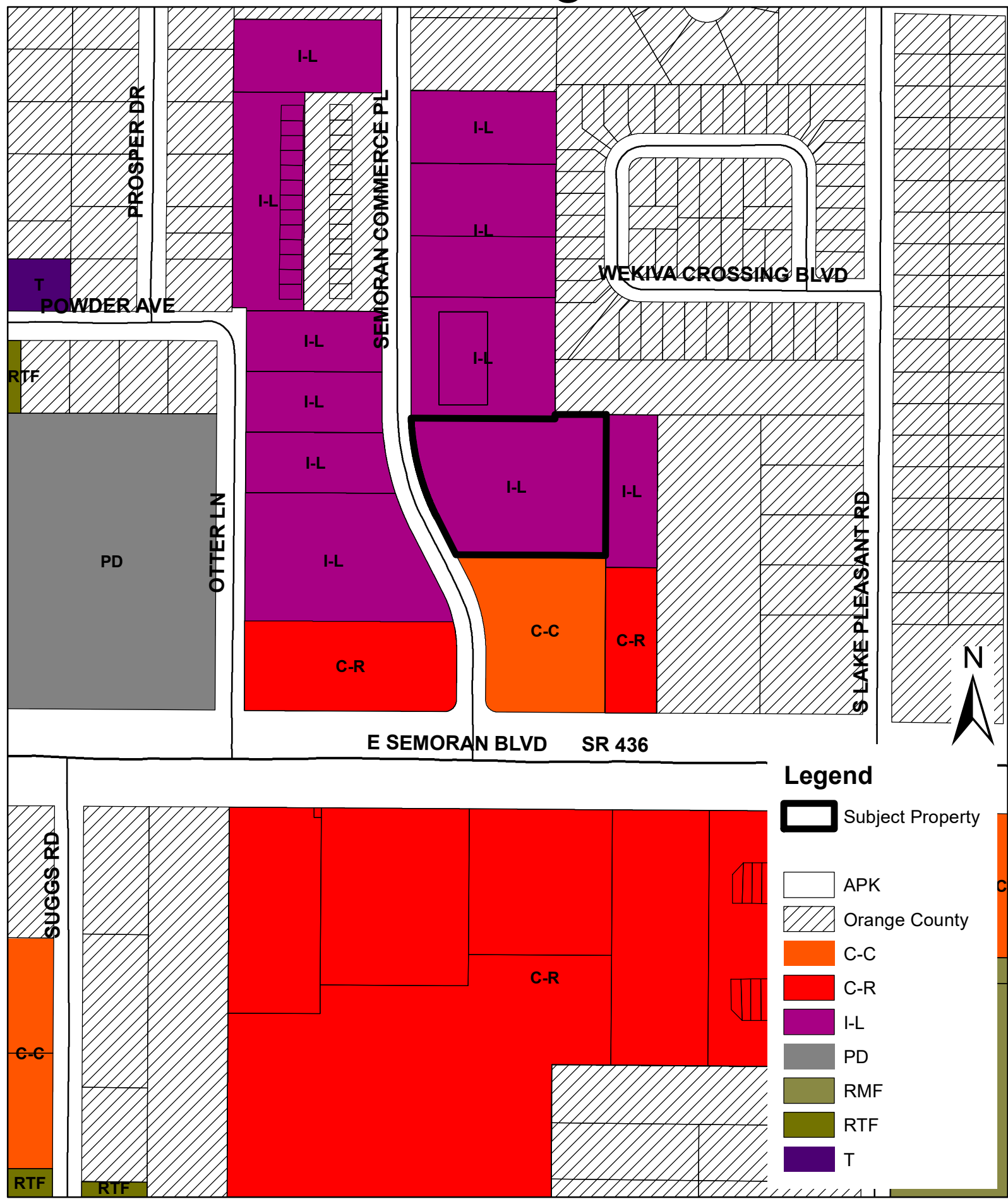
(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Future Land Use



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Zoning



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

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AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM I-L (LIGHT INDUSTRIAL) TO C-COR (CORRIDOR COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF SEMORAN COMMERCE PLACE, WEST OF LAKE PLEASANT ROAD AND NORTH OF SR 436; OWNED BY SHAKE THE NATIONS MINISTRIES, INC., COMPRISING 2.4 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

WHEREAS, Jonathan Huels, Esq has requested a change in zoning on said property as identified in Section I of this ordinance; and

WHEREAS, the proposed C-COR (Corridor Commercial) Zoning District has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Apopka, Florida, as follows:

Section I. That the zoning classification of the property described in Exhibit A, being situated in the City of Apopka, Florida, is hereby C-COR District, as defined in the Apopka Land Development Code, and with the following provision:

Section II. That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida. The applicant shall obtain all approvals as required, if any, per the Orange County Charter and the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency.

Section III. That the Community Development Director, or the Director's designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

Section IV. That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

Section V. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section VI. That this Ordinance shall take effect upon the date of adoption.

ORDINANCE NO. 3011

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ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this
____ day of _____, 2023.

READ FIRST TIME: July 5, 2023

READ SECOND TIME AND
ADOPTED: July 19, 2023

ATTEST:

Susan Bone, City Clerk

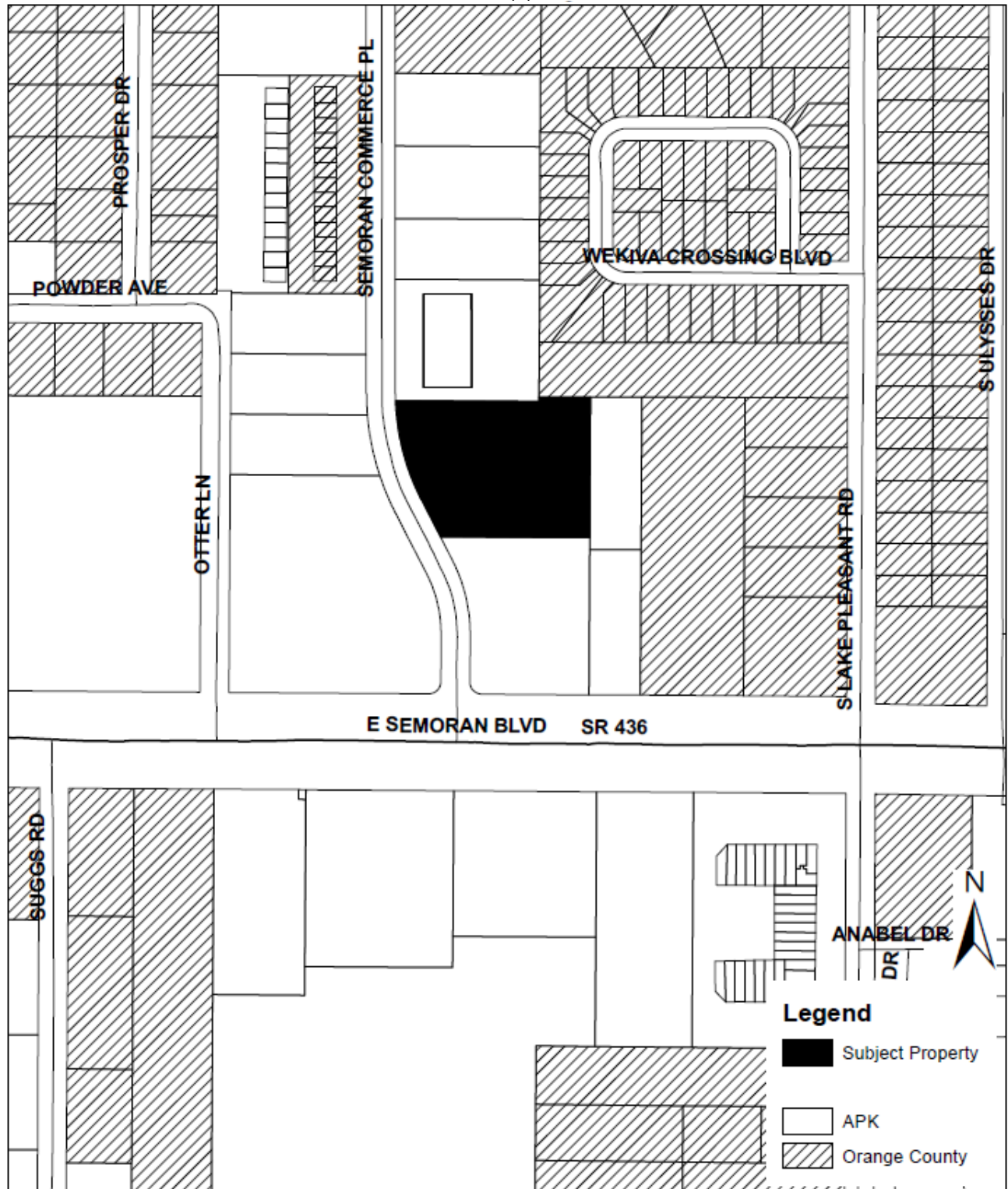
Bryan Nelson, Mayor

Approved as to form and legal sufficiency:

DULY ADVERTISED FOR PUBLIC HEARING: May 26, 2023

EXHIBIT "A"

Parcel Identification Number(s): 11-21-28-7900-00-210



RESOLUTION NO. 2023-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
APOPKA, FLORIDA, CENSURING MAYOR BRYAN NELSON**

WHEREAS, a core tenant of serving in elected office is transparency and truthfulness to ensure public trust; and

WHEREAS, Mayor Bryan Nelson, by Charter, serves as the chief executive officer of the city and shall be responsible to the electorate for the administration of all city affairs placed in his charge; and

WHEREAS, on Wednesday June 21, 2023, in a public hearing within the City of Apopka Council Chambers, Mayor Nelson made public comments that demonstrated his prior public comments about the employment status of the now former City Attorney were untrue; and

WHEREAS, on Wednesday May 3, 2023, the former City Attorney did voluntarily resign during a public hearing within the City of Apopka Council Chambers, as recorded and approved in minutes; and

WHEREAS, Mayor Nelson, on Wednesday June 7, 2023, did on the record inform City Council the former City Attorney was no longer employed as of that day June 7, 2023, as recorded, and approved in minutes; and

WHEREAS, on Wednesday June 21, 2023, when asked by City Council about the employment status of the former City Attorney, Mayor Nelson indicated he was still employed as of that date June 21, 2023, and receiving pay, as recorded, and approved in minutes.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA THAT:

SECTION 1: The foregoing “Whereas” clauses are incorporated herein and the City Council of Apopka formally censures Mayor Bryan Nelson for misleading the City Council, and by the same actions, the people of Apopka through untruthful public comments regarding the employment status of the former City Attorney.

SECTION 2: This resolution is effective upon adoption by the City Council, with or without the signature of the Mayor.

Dated this ____ day of August, 2023.

ATTEST:

**CITY COUNCIL OF THE CITY OF
APOPKA, FLORIDA**

SUSAN BONE, CITY CLERK

BRYAN NELSON, MAYOR