

CITY OF APOPKA

Minutes of the City Council regular meeting held on November 3, 2021 at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alexander Smith
Commissioner Diane Velazquez
City Administrator Edward Bass
City Attorney Michael Rodriguez

PRESS PRESENT: John Peery – The Apopka Chief

INVOCATION/PLEDGE – Commissioner Smith provided the Invocation, led in the Pledge of Allegiance and read the Fact of the Day, as follows: On November 5, 1941, the Japanese Fleet received a top-secret order that in a month's time, Pearl Harbor was to be bombed, along with Malaya (now known as Malaysia), the Dutch East Indies and the Philippines. Relations between the United States and Japan had been deteriorating quickly since Japan's occupation of Indochina in 1940. In September 1941, President Roosevelt issued a statement, drafted by British Prime Minister Winston Churchill, that threatened war between the United States and Japan should the Japanese encroach any further on territory in Southeast Asia or the South Pacific. Hideki Tojo, the minister of war who would soon be prime minister, had no intention of withdrawing from captured territories and construed the American "threat" of war as an ultimatum and prepared to deliver the first blow in a Japanese-American confrontation: the bombing of Pearl Harbor.

PROCLAMATION

1. Week of the Family Proclamation presented to members of the Orange County Week of the Family Committee
Presented by: Mayor Nelson

Mayor Nelson said November 6th through November 13th is the Week of the Family and read a Proclamation in honor of the importance of Families.

2. Mobility Week 2021 Proclamation presented to the Florida Department of Transportation
Presented by: Mayor Nelson

Mayor Nelson said this is also Mobility Week and presented a Proclamation to the Florida Department of Transportation and said the City of Apopka supports safe multimodal transportation.

PRESENTATION

1. OpenGov Software presentation for Annual Budget Report and Citizen Services Planning & Building Applications.

Introduction: Gladymir Ortega and James Hitt.

Presented by: Rabindranath Sawh and Matthew Stull with OpenGov

Gladymir Ortega, Finance Director said one of her goals when she took this position was to create an automated process for the Annual Budget Book. She said the OpenGov software being presented today will allow for the Department to work collaboratively; streamline workloads and provide prompt financial reporting with forecasting. She said these tools will ultimately eliminate manual process, increase accuracy and improve strategic objectives. She said the software also offers a Citizen serve module for the Community Development Department which Mr. Hitt will expand on next prior to OpenGov providing their portion of the presentation.

Jim Hitt, Community Development Director said we've been looking at doing an online software program for the last 4 years and as Gladymir eluded. He said in Community Development we have 3 different divisions and said the primary divisions that will benefit from this will be the Building Division. He said back in 2018, we processed 5,100 permits; in 2019, that dropped a little to 4,600 permits; last year, we did 6,079 permits and said this year we're up to 6,000 but we still have 3 months to go. He said this gives you an idea of how many we process. He said we're averaging about 660 permits per month and said last year it was 506. He said, in addition, we had 1,234 inspections last year and this year, we're almost at 1,600 and still have 3 months to go and said this gives you an idea of how much we have going on and said we go through a lot of paper. He said each permit is reviewed by Building; Planning; Engineering; Fire and Police and said all of this is all manual paperwork. He said the proposed software will make things more efficient and manage the files so that the process is streamlined. He said about once a quarter, we create a project list with maps and information that we provide to staff and to the Chamber of Commerce. He said on our current project list, we have 72 items which equates to approximately 15,000,000 square feet of non-residential coming in, including 9,000,000 to 10,000,000 square feet of industrial warehouse. He said the rest is commercial including the Publix. He said for dwelling units, we have about 9,600 units coming in which includes apartments and single family townhomes. He said we're doing different amendments to try and control growth better. He said the opportunities are favorable and the new software will make it easier to review the plans and make things more efficient.

Matt Stull said he's the Regional Manager for OpenGov and is from the Tampa area. He said OpenGov is a Cloudbased software providing specific government functions in its core areas. He said we're working with over 1,000 different governments of which, 50 are located here in Florida. He said the Procurement side of things is already underway and said you all may know it as "Procure Now". He said we're going to walk through on this. He said on the dynamic communication side is more on the public engagement, public transparency side with the budget documentation where folks can go directly to the City's website and pull their documents. He provided some examples. He said finally, this is not

only a public engagement tool, it is also is an internal administration and performance management tool but this will enable staff to be able to have access across the different parts of the City. He said that's all he has but is open to questions.

Commissioner Bankson asked about the security and asked if they ever had a breach or a loss of information, to which Matt stated that this actually enhances security into a secure cloud environment, hosted by Amazon Webservices all domestically. Commissioner Bankson said he knows Rob has done a great job with this and we want to keep this going to which Matt said Rob was key in putting this together.

Commissioner Velazquez said she knows that all of the Departments will be very happy and this will help the developers with the paperwork aspect.

Commissioner Smith said he believes the residents will be happy with this as the caviat is that this is interactive and said he's glad to have you aboard.

AGENDA REVIEW

Edward said there's been one change for the record. He said you have in front of you a corrected staff report for Consent item #1 for the Release of Code Enforcement Lien. He said the Stipulation Agreement is correct, however the staff report was corrected to read the correct amount of \$23,000.

PUBLIC COMMENT PERIOD

Joshua Grossnicklaus, 2501 N. Hiawassee Road, Apopka, FL 32703 said he is the Band Director at Wekiva High School. He said he's lived in Florida his entire life, growing up in Stuart, FL. He said he went to Martin County HS and graduated as a member of that band and then went on to Indiana State College and graduated there as a member of that band and then to Stetson University and graduated with his BA in Education and preformed with that band, which then led him here to Apopka. He said he hopes to see everyone on Friday night as Wekiva takes on Apopka. He said his job as a teacher and an educator is to make good people and said the vehicle he uses to do that is his band. He said he sees students from all over the County as well as here in Apopka. He said one of the things we're working toward here in Apopka is to get these kids to understand that they are an important part of the future, not just for their own lives but for their community. He said one of the things we try to instill in them is confidence, self-esteem and pride in what they do. He said one of the first things that everyone notices with a marching band is how they look. He said a lot of people love and enjoy music. He said we're raising money for our new band uniforms and said our kids at Wekiva are still Apopka students. He said over the course of 10 years, we've had close to 2000 pass through the Wekiva High School Band program and said those students have all graduated, gone out and a lot of them have come back to become members of our community. He showed the sample uniforms and said the quote for the new uniforms was \$90,000 and said we're working to raise at least ½ of that through fund raising. He

said this will build these kids up and he said he's advocating on behalf of the kids and said we hope to see you all on Friday night.

Sue Henesy, 914 Ridge Spring Court, Apopka, FL 32712, said she's the Wekiva High School Band Parent President and said she won't speak long and said they've already banked \$5,000 this year but anything you can help us with would be great. She said we still have a few other fund raisers to do and said we have a band website with a page dedicated to the band uniform fundraiser page. She said they're working with the Apopka Chamber of Commerce to try and raise funds.

CONSENT (Action Item)

1. Execute Release of Code Enforcement Lien for John J Murray, Jr. - 2282 Lake Marion Drive, Apopka, Florida.
2. Authorize road closure for Sertoma Club of Apopka Annual Christmas Parade on December 11, 2021
3. Authorize road closure for South Apopka Ministerial Alliance Martin Luther King, Jr. Parade on January 17, 2022.
4. Authorize the City Administrator to execute an amendment to the agreement for payment in satisfaction of utility liens with 5th Hole Investments, LLC and Apopka Golf & Tennis at Errol Estates.
5. Authorize City Administrator to sign Musical Services Contract with The Orlando Philharmonic Orchestra, Inc.
6. Authorize the Mayor to sign an agreement to extend the current School Resource Officer contract through the FY 2021-2022 with Orange County Public Schools.
7. Authorize the Police Department to accept funding from the Patrick Leahy Bulletproof Vest Partnership.
8. Authorize the Police Department to accept funding in accordance with the Edward Byrne Memorial Justice Assistance Grant (JAG) Program.
9. Authorize the Police Chief to present retiring member of the agency, Sgt. Edwin Chittenden his service weapon.
10. Approve calendar year 2022 floating holiday as December 23, 2022.
11. Authorize the execution of piggyback contracts for fiscal year 2022.
12. Authorize the issuance of evaluated and sole source memos.

Mayor Nelson asked if anyone needed to pull any of the items or had any questions. Hearing none, he asked for a motion to approve the twelve (12) items on consent.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve the twelve (12) items on consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Avian Pointe Parcel B2 Multifamily Major Development Plan
Owner: Apopka Clear Lake Investments, LLC.
Applicant: Taurus Investment Holdings, LLC. c/o Allen Peacock
Location: 2500 Gallinule Drive
Project: Apartment complex consisting of 276 units
Project Manager: Allyson Williams

Allyson Williams, Planner I said the applicant has submitted a Major Development Plan for Parcel B2 of the Avian Pointe Planned Development, which consists of 276 multifamily units. The subject property is located east of SR 429 and west of Grand Avian Parkway at 2500 Gallinule Drive and is approximately 30.4 acres in size. The property is zoned PD (Planned Development) and located within the Avian Pointe Planned Development. The Avian Pointe PD allows for the development of 758 residential units consisting of single-family, townhomes, and apartment units. Additional uses within the PD includes a shared use recreation area, and a flex use parcel consisting of either a school or daycare facility, senior housing facility, or a 100-room boutique hotel. Parcel B2 was approved for 480 units in the PD Master Plan while 276 units are being proposed in the first phase. According to the applicant, the remainder of the units will be constructed in the second phase. She said there is a maximum building height of 50-feet and a minimum living area of 762 square feet has been proposed by the applicant, which is consistent with the Avian Pointe PD Master Plan and said in accordance with the approved Master Plan, the amenities include five park areas, a clubhouse, swimming pool, dog park, playground, and a community garden. Development of the subject property is consistent with the Avian Pointe PD Master Plan and Land Development Code.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve the Major Development Plan for Avian Pointe Parcel B2 Multifamily

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve the Major Development Plan for Avian Pointe Parcel B2 Multifamily. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye

2. Major Development Plan - Clarcona Office Warehouse
Owner: Technology Property, LLC
Applicant: Andrew Gerdome, P.E.
Location: 2860 Clarcona Road, 2870 Clarcona Road and 476 Jellystone Avenue
Project: 9.41 acres
Project Manager: Jean Sanchez

Jean Sanchez, Planner II, said this is a request to approve the Major Development Plan for the Clarcona Office Warehouse. She said the project site consists of an assemblage of three parcels, located on the southwest corner of Keene Road and Clarcona Road, totaling 9.41 acres. The properties are zoned I-L (Light Industrial) and have a future land use designation of Commercial, allowing up to 0.25 floor area ratio. Under the 1993 Land Development Code, the properties were zoned C-3 (Wholesale Commercial), which converted to I-L (Light Industrial) in the 2019 Land Development Code. The proposed development has a floor area ratio of 0.24. The applicant proposes two warehouse buildings, each containing 48,000 square feet of warehouse and office area, for a total of 96,000 square feet. The buildings will be rear-loaded with a court area positioned between them. Truck parking will also be contained between the buildings. Therefore, truck parking will not be visible from adjacent properties or the public right-of-way. There will be no outdoor storage use. The minimum front, side and rear setbacks are 10 feet.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve the Major Development Plan for the Clarcona Office Warehouse.

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

3. Approval of Consent Order Between City of Apopka and Florida Department of Environmental Protection.
Presented by: Michael Rodriguez

On May 27, 2021, the Florida Department of Environmental Protection (“DEP”) was notified of an unauthorized discharge of 23,563 +/- gallons of untreated wastewater due to a break in a 12-inch force main. The discharge impacted the ground only and a berm was constructed to contain the wastewater and pump trucks were used to maintain the lift station to isolate the water main break. Approximately 17,563 gallons of the wastewater were recovered and the contaminated dirt was removed and replaced with fresh dirt.

During a sanitary survey conducted by DEP on August 26, 2020, it was determined that the City failed to submit Annual Reports pursuant to the Cross-Connection Control Program, as established by Rule 62-555.360, Florida Administrative Code. The City failed to provide reports for 2017, 2018, and 2019. During a file review conducted on July 22, 2021, DEP determined that the City failed to send Notice of Test Letters and Risk

Assessment Surveys to its customers. DEP issued a Warning Letter to the City on July 23, 2021 identifying the above referenced areas of concern.

In response to the two above referenced incidents, DEP and the City have reached a resolution to the matter and the parties mutually agreed to enter into a Consent Order to remedy the incidents. DEP issued civil penalties in the amount of Thirty-Four Thousand Five Hundred Eighteen (\$34,518.00) Dollars for the unauthorized discharge, along with Five Hundred (\$500.00) Dollars for costs and expenses incurred. The City has agreed, and DEP has accepted, to off-set the city penalties assessed by implementing an “In-Kind Project.” The City has further agreed to update the Cross-Connection Control Ordinance and Cross-Connection Manual by December 31, 2021. The City will also distribute to its water customers Risk Assessment Surveys by December 31, 2021, and will distribute Notice to Test Letters to its water customers by January 31, 2022. Inspections and tests of backflow devices and assemblies will commence by February 1, 2022 pursuant to the amended Cross-Connection Control Ordinance and Cross-Connection Manual. All corrective actions required by the Consent Order are to be completed by December 31, 2023. The City has agreed to provide DEP with written status updates of those projects completed pursuant to the Consent Order

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve the Consent Order between the City of Apopka and the Florida Department of Environmental Protection.

MOTION by Commissioner Becker and seconded by Commissioner Velazquez to approve the Consent Order between the City of Apopka and the Florida Department of Environmental Protection. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2849 – Second Reading – Change of Zoning – Marden Road Rezoning, Master Plan and Planned Development Agreement
From: Residential Multifamily (RMF), Community Commercial (C-C), and Transitional (T)
To: Planned Development (PD)
Owner: Emerson Point Phase II, LLC. c/o Mary L. Demetree
Applicant: M/I Homes of Orlando, LLC. and Appian Engineering, LLC. c/o Luke M. Classon, P.E.
Location: 1801 Marden Road, 1890 and 1900 S Hawthorne Avenue
Project: 225 single-family detached units and townhomes
Project Manager: Allyson Williams

Mayor Nelson asked if there have been any changes since the first reading to which Allyson Williams advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2849

MOTION by Commissioner Becker, and seconded by Commissioner Bankson to adopt Ordinance No. 2849, with condition, as read. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

2. Ordinance No. 2868 - Second Reading - Change of Zoning – Northwest Church
From: PD (Planned Development District)
To: RSF-1B (Residential Single-Family District – Large Lot)
Owner/Applicant: Directions Fellowship, Inc.
Location: South of Schopke Road and east of Plymouth Sorrento Road
Project: 14.7 +/- acres
Project Manager: Phil Martinez

Mayor Nelson asked if there have been any changes since the first reading to which Phil Martinez advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2868

MOTION by Commissioner Bankson and seconded by Commissioner to adopt Ordinance No. 2868. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

3. Ordinance No. 2872 – Second Reading – Change of Zoning and approval of Planned Development Master Plan/Major Development Plan and Transportation Impact Fee Credit – 2302 Ocoee Apopka Road
From: (T) Transitional
To: PD (Planned Development)
Owner: Francis X Heidrich, Jr. and Cathy Tolbert Campbell
Applicant: First Team Commercial, LLC
Location: 2302 Ocoee Apopka Road
Project: 21.56 +/- acres (14.08 +/- developable acres)
Project Manager: Bobby Howell/Pamela Richmond

Mayor Nelson asked if there have been any changes since the first reading to which Bobby Howell advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2872

MOTION by Commissioner Smith, and seconded by Commissioner Becker to adopt Ordinance No. 2872, with condition, as read. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

4. Ordinance No. 2864 – First Reading - Comprehensive Plan – Small Scale – Future Land Use Amendment – Roper Family Property
From: County Rural
To: Mixed Use

Owner: Bert E. Roper and Barbara C. Roper Family Limited Partnership
Applicant: Tara Tedrow
Location: West of SR 429 and Binion Road and north of Hooper Farms Road
Project: 1.53 acres
Project Manager: Jean Sanchez

Jean Sanchez, Planner II, said this is a request to approve a Small Scale Future Land Use Amendment to the Comprehensive Plan. The subject property was annexed into the City on July 21, 2021 by Ordinance Number 2848. The proposed Future Land Use designation of Mixed-Use is compatible with the surrounding parcels as properties with a Future Land Use designation of Mixed-Use are located in the vicinity. This application is being processed simultaneously with an application to rezone the property from County A-1 (Citrus Rural) District to MU-ES-GT (Mixed-Use-East Shore-Gateway). The proposed Mixed-Use future land use designation of the property is compatible with the character of the surrounding area. City Planning Staff supports the Future Land Use Map (FLUM) amendment, given the consistency with the Comprehensive Plan policies and said site development cannot exceed the intensity allowed by the Future Land Use policies.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve Ordinance No. 2864 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to approve Ordinance No. 2864 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

5. Ordinance No. 2865 – First Reading - Change of Zoning – Roper Family Property
From: County A1 (Citrus Rural) District
To: MU-ED-GT (Mixed-Use East Shore – Gateway) District
Owner: Bert E. Roper and Barbara C. Roper Family Limited Partnership
Applicant: Tara Tedrow
Location: West of SR 429 and Binion Road and north of Hooper Farms Road
Project: 1.53 acres
Project Manager: Jean Sanchez

Jean Sanchez said this is a request for a Change of Zoning from County A1 to MU-ED-GT District. She said the subject property is approximately 1.53 acres in and vacant. She said the property was annexed into the City on July 21, 2021 by Ordinance Number 2848. She said the proposed MU-ES-GT zoning is compatible with the property due to the MU-ES-GT zoning being found on parcels in the vicinity. The applicant intends to combine this parcel with adjacent parcels to assemble land for a residential development. She said the proposed MU-ES-GT (Mixed-Use - East Shore - Gateway Subdistrict) zoning is

consistent with the proposed Mixed Use (Maximum 15 dwelling units per acre and 1.0 Floor Area Ratio) Future Land Use Designation. Site development cannot exceed the intensity allowed by policies in the Comprehensive Plan.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve Ordinance No. 2865 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to approve Ordinance No. 2865 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

6. Ordinance No. 2876 - First Reading - Change of Zoning – 2616 Marden Road
From: RSF-1A (Residential Single-Family Estate District)
To: RSF-1B (Residential Single-Family District – Large Lot)
Owner: Nanak Investments, LLC
Applicant: GL Summit Engineering, Inc. c/o Geoffrey L. Summit, P.E.
Location: 2616 Marden Road
Project: 8.81 acres
Project Manager: Jean Sanchez

Jean Sanchez said this is a request for a Change of Zoning from RSF-1A to RSF-1B for property located at 2616 Marden Road. She said the subject property is vacant and consists of approximately 8.81 acres. She said the proposed RSF-1B (Residential Single-Family–Large Lot) zoning is compatible with the properties due to the RSF-1B zoning being found in the vicinity, and with the Residential Low future land use designation, of which is assigned to the property. The applicant intends to develop a residential subdivision. She said the property has a Future Land Use Designation of Residential Low, allowing for a density of up to five units per acre. The proposed RSF-1B zoning district is consistent with the existing Future Land Use Designation of Residential Low.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve Ordinance No. 2876 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Becker to approve Ordinance No. 2876 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

7. Ordinance No. 2878 – First Reading - Comprehensive Plan – Small Scale – Future Land Use Amendment – 2451 Appy Lane
Owner/Applicant: Robert and Mary Singh
Location: 2451 Appy Lane

Existing Use: Single-Family Home and Accessory Structures
Current Zoning: RSF-1A (Residential Single-Family Estate District)
Proposed Future Land Use: Agriculture
Project Manager: Phil Martinez

Phil Martinez said this is a request for a Small Scale – Future Land Use Amendment. The subject property was annexed into the City on November 5, 1997 via Ordinance Number 1113. The subject property is approximately 4.92 acres and a single-family home is located on the parcel. He said the proposed Agriculture Future Land Use is compatible with the property due to the agricultural properties being found in the vicinity. The applicant has expressed interest in keeping livestock on the property, which is prohibited in the existing RSF-1A (Residential Single-Family Estate District) zoning district, and is a permitted use in the proposed Agriculture zoning district. He said the proposed Agriculture Future Land Use is consistent with the proposed Agriculture Zoning. Site development cannot exceed the intensity allowed by policies in the Comprehensive Plan.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve Ordinance No. 2878 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve Ordinance No. 2878 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

8. Ordinance No. 2879 – First Reading - Change of Zoning – 2451 Appy Lane
Owner/Applicant: Robert and Mary Singh
Location: 2451 Appy Lane
Future Land Use: Residential Very Low Suburban (Agriculture is proposed)
Existing Use: Single-Family Home and Accessory Structures
Current Zoning: RSF-1A (Residential Single-Family Estate District)
Proposed Zoning: AG (Agriculture District)
Tract Size: 4.92 ± acres
Project Manager: Phil Martinez

Phil Martinez said this is a request for a Change of Zoning for the property located at 2451 Appy Lane. He said the subject property was annexed into the City on November 5, 1997 by Ordinance Number 1113. The subject property is approximately 4.92 acres and a single-family home is located on the parcel. The proposed AG (Agriculture District) zoning is compatible with the property due to the AG zoning being found in the vicinity. The applicant has expressed interest in keeping livestock on the property, which is prohibited in the existing RSF-1A (Residential Single-Family Estate District) zoning, and permitted in the proposed AG zoning.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to approve Ordinance No. 2879 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Velazquez, and seconded by Commissioner Smith to approve Ordinance No. 2879 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

9. Resolution No. 2021-47 - Creating Lovell Terrace Neighborhood Improvement Special Assessment District.
Presented by: Chuck Vavrek

Chuck Vavrek said this Resolution is for the Creation of the Neighborhood Improvement Special Assessment District for Lovell Terrace. This request is in accordance with Florida State 197.3632(3)(a) setting forth the requirement that a Public Hearing be advertised and held, informing the public that the City Council hereby intends to create a Neighborhood Improvement Special Assessment District for neighborhood improvements, recreational facilities, common area property maintenance, landscape maintenance, street lighting and other essential facilities and municipal services programs therein. This resolution allows for the City to notify the Property Appraiser and Tax Collector of the Councils intent to establish a special assessment area and for that assessment to be included on the Ad Valorem Tax Bill commencing on October 1, 2022. This notice does not serve as notice as to the amount to be assessed and will have to come back before the City Council after January 1, 2022 where a public hearing will set forth the assessment amount. At that time property owners and the public will be notified in accordance with the statute.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-47.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve Resolution No. 2021-47. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

10. Resolution No. 2021-55 - Creating the Golden Orchard Street Lighting Special Assessment District.
Presented by: Chuck Vavrek

Chuck Vavrek said this Resolution is for the Creation of the Neighborhood Improvement Special Assessment District for Golden Orchard. This request is in accordance with Florida State 197.3632(3)(a) setting forth the requirement that a Public Hearing be advertised and held, informing the public that the City Council hereby intends to create a Special Assessment District for street lighting services, facilities and program cost relating to street lighting therein. This resolution allows for the City to notify the Property Appraiser and Tax Collector of the Councils intent to establish a special assessment area and for that

assessment to be included on the Ad Valorem Tax Bill commencing on October 1, 2022. This notice does not serve as notice as to the amount to be assessed and will have to come back before the City Council after January 1, 2022 where a public hearing will set forth the assessment amount. At that time property owners and the public will be notified in accordance with the statute. The developer has requested that the district be established to take over the street lighting services effective October 1, 2022 and be included as part of the property owners Ad Valorem Tax Bill.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-55.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez to approve Resolution No. 2021-55. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

11. Resolution No. 2021-59 - FY21/22 Budget Amendment
Presented by: Gladymir Ortega

Gladymir Ortega, Finance Director, said this Resolution is for a budget amendment for FY 2021 for grant funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program which will be used to purchase new equipment to enhance the Evidence and Canine Sections of the Support Services Division. She said the second amendment is for Individual Distributed Wastewater Treatment Systems (IDWTS) Maintenance Funding Source: Revenue received by owners of each location to pay monthly maintenance fees. Description: This budget amendment includes changes in funding and appropriations related to the St. John's River Water Management district (SJRWMD) Florida Springs Grant Program for the Distributed Sewer Retrofit Project. This amendment recognizes revenue to be received from the owners of each project location (a total of 30 authorized) in order to pay for the monthly maintenance fee for each distributed sewer retrofit system. She said the third amendment is for the Lift Station Supervisory Control & Data Acquisition (SCADA) and said this is will recognize funds received by developers to improve SCADA systems.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-59.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve Resolution No. 2021-59. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Becker said he's hearing a lot of talk around the development in the City Center related to multi-family and said he's reviewed the Development Agreement and said he's hoping that Mr. Hitt can shed some guidance on this issue. He said he's struggling to find where it says that all projects that come to that area would not need to come before this Council for review from a Concept Plan perspective and asked that this language be pointed out. He said if the language is there and they do not have to come before Council, how are you interpreting the concept of the project in play versus the language in Exhibit "G" on the current Development Agreement as it relates to permitted uses, related to #34, market rate. He said Council received a letter from Charter Oaks HOA and said there are many concerns regarding. He said he hoped that Mr. Rodriguez could review this and make sure we're not misrepresenting this to the public.

Jim said he'll need to take a look at the Developers Agreement and locate the language regarding the approval process. He said it is in there but it's kind of skewed. He said in regard to the use itself, there is a statement regarding upper tier type development for the apartment and said you hit the nail on the head in regards to the permitted uses when it comes to non-subsidized and said if they're getting funding, they would have to come back to the City Council to amend the Developers Agreement.

Mayor Nelson asked Michael to review and bring this up under his report during the next Council Meeting.

Commissioner Smith said we also need a clear understanding of what is intended when we say subsidized. He said in some instances, it may mean that the tenants are being subsidized for their rent and not that the construction itself is subsidized.

Michael said that's correct and said that's a consideration and something that you as a board will need to limit or further describing or defining terms or we'll be back to the same argument as we had about a month ago related to what is tobacco substitute and what is tobacco related. He said there will be a semantics difference between whether the meaning of subsidized relates to the construction or to the tenants rent. He said the program is that the builder is taking from this pot of money to assist in construction costs and said the question is whether this is public money or a grant.

Commissioner Smith said he wanted to remind everyone that November is "no shave November" and said he always participates in this every year. He said funds that are normally used for shaving during the month of November, he's donating to cancer. He said having just finished observing Breast Cancer awareness month, there are many other types of cancer and said encouraged those who participate to donate to your charity of choice. He said he also attended a meeting the Orange County BOCC Agricultural Committee Board Meeting and said there was much discussion on the Fertilizer Ordinance that they're getting ready to revise. He said with all of the development going on in our area, it's been determined that fertilizers, which contain nitrogen and phosphorus are contaminating the

Springs. He said they want to revise the Ordinance to prohibit us from contaminating the springs any more. He said there's a formula that he's going to post a link on his Facebook page and ask residents to look at it as they've found that 80% of the contamination is caused by residents and not by commercial use as the residents are over-fertilizing. He said lastly, he's looking forward to the John Land Gala and encouraged everyone to come out in support.

Commissioner Bankson said he appreciates Angie's letter and said we need clarity on the Developer's Agreement and said it's our responsibility protect the citizens on this. He said he's also looking forward to the John Land Gala tomorrow.

Commissioner Velazquez said she's looking forward to the Orlando Philharmonic Orchestra on December 11th and has promoting this on Facebook. She thanked the Recreation Department and said they've done a great job at the Amphitheater every Saturday with Saturday Sounds.

CITY ADMINISTRATOR REPORT

Edward said under his financial update, we've started a new Fiscal Year and we're already in the hole but it's only a small amount. He said it's 35% more than we were last year for this month so it's more positive this year and we'll continue to monitor it. He said as you can see that our budget is \$10.7 million and we've collected in the first month \$863,000 with a \$35,000 variance and said you can see we're below the projections we received from the State.

CITY ATTORNEY'S REPORT

Michael said there was a closing on the sale of the parcel that was contemplated for the use of residential by the City. He said the sale was completed yesterday and said the parcel is now owned by Taurus Development. He said going forward, whatever is going to presented for approval is going to be subject to the Developers Agreement.

MAYOR'S REPORT

Mayor Nelson said the Naomi testing site that's been at Edwards Field will be closed on November 5th and 6th and said we will relocate here at City Hall in the parking lot on Sunday, November 8th through Sunday, December 12th so that we can get through Christmas season and all of the things we have going on.

Mayor Nelson said we mentioned that we have the Orlando Philharmonic coming on December 11th and said to let you know, the weekend before, we had scheduled the Apopka Art and Music Fest but the School Board pulled back on Sunday, December 5th so it will only on a one day event which will be held on Saturday, December 4th. He said we have a lot of great local music and art from our local schools here in the area as well as arts and crafters from other regions and said we're excited about this and hoping this will be an annual event.

Mayor Nelson said we've had some studies underway and now that Covid has let up, we're starting to get some of these back and said we'll start bringing forward some of the studies and presentations. He said the rate study for our Water, Reclaim and Wastewater will be coming up very soon. He said we just got the Road Condition Study in so we'll bring you that hopefully the first week of December. He said we have some renditions on what Public Safety Building and the Needs Assessment and will bring this to you so you have an idea of what that might look like. He said we have a long term plan for the Northwest Recreation Complex and said it came in at approximately \$50 million dollars but we'll bring this to you to take a look at as well.

Mayor Nelson said lastly, we have the State of the City next Tuesday, November 9th, from 8:00 a.m. – 9:30 a.m, at the VFW. He said there'll be tables for the sponsors with a Continental breakfast. He said it's free to anyone that wants to come.

ADJOURNMENT - There being no further business the meeting adjourned at 3:13 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk