CITY OF APOPKA MINUTES

Minutes of the City Council Meeting held on November 2, 2022 at 1:30 PM, in the City of Apopka Council Chambers.

Present:

- Mayor Bryan Nelson
- Commissioner Doug Bankson
- Commissioner Nick Nesta
- Commissioner Alexander Smith
- Commissioner Diane Velazquez
- City Administrator, Edward Bass
- City Attorney, Michael Rodriguez

Press Present –

INVOCATION & PLEDGE OF ALLEGIANCE:

Commissioner Bankson provided the Invocation and led in the Pledge of Allegiance. He then provided the fact of the day, as follows:

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of October 19, 2022.

    a. **Mayor Nelson** asked if everyone has had a chance to review and whether anyone had any changes or additions.
    b. Hearing none, he asked for a motion to approve the meeting minutes of October 19, 2022.
    c. Motion by Commissioner and seconded by **Commissioner** to approve the **meeting minutes of October 19, 2022.**
    d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

AGENDA REVIEW

Edward Bass stated there were no changes to the Agenda.

PUBLIC COMMENT PERIOD

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CONSENT (Action Item)

1. Execute release of Code Enforcement Lien - 1665 Boulder Creek Court, Apopka, FL
2. Approve the Utility Impact Fee Credit Agreement between the Pulte Home Company, LLC and the City of Apopka for Oversizing the Sewer Utility Line along Plymouth Sorrento Road.
3. Approve the Emerson Pointe Phase II - Plat
4. Approve the Gardenia Reserve - Plat
5. Approve the Henderson Corners - Plat
6. Approve the Summitt Ridge Subdivision - Plat
7. Authorize the Police Department to accept the Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase breaching tools and shields.
8. Approve Calendar Year 2023 floating holiday as December 22, 2023
9. Authorize the execution of piggyback contracts for fiscal year 2023.
10. Authorize the issuance of evaluated and sole source memos.

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

   b. Hearing no additional questions, he asked for a motion to approve the ten (10) items on Consent.
   c. Motion by **Commissioner Smith** and seconded by **Commissioner Velazquez** to approve the ten (10) items on Consent.
   d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

1. Master Plan Amendment - Crossroads at Kelly Park
   Owner(s): Kelly Park Land Investments, LLC, Galvin Land Services, LLC and Harriskp, LLC
   Applicant: Poulos and Bennett, LLC c/o R. Land Bennett, P.E.
   Location: South of Ondich Road and east of Round Lake Road
   Future Land Use: Mixed-Use
   Tract Size: 15.27 +/- acres
   Project Manager: Jean Sanchez

   a. **Mayor Nelson** asked if anyone had any questions about this item or if anyone from the public wanted to speak on this matter.
   b. Hearing no other questions, he asked for a motion to approve the Major Development Plan for the Crossroads at Kelly Park.
   c. Motion by **Commissioner Nesta** and seconded by **Commissioner Bankson** to approve the Major Development Plan for the Crossroads at Kelly Park.
   d. **Motion carried 4-1** with Mayor Nelson, and Commissioners Bankson, Nesta, & Velazquez voting aye, and **Commissioner Smith,** voting nay.

2. Approve the Second Amendment to the Amended and Restated Land Development Agreement for Hamrick Property Future Land Use Amendment.
Presented by: Vladimir Siminovski

a. **Mayor Nelson** asked if anyone had any questions about this item or if anyone from the public wanted to speak on this matter.
b. Hearing no other questions, he asked for a motion to approve the Second Amendment to the Amended and Restated Land Development Agreement for the Hamrick Property Future Land Use Amendment.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Velazquez** to approve the Second Amendment to the Amended and Restated Land Development Agreement for the Hamrick Property Future Land Use Amendment.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

3. Approve Property Exchange Agreement with CFX and BlueScope Properties Group, LLC for SR 429 Pond.
Presented by: Pamela Richmond

a. **Mayor Nelson** asked if anyone had any questions about this item or if anyone from the public wanted to speak on this matter.
b. Hearing no other questions, he asked for a motion to approve the Property Exchange Agreement with CFX and BlueScope Properties Group, LLC for SR 429 Pond.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Velazquez** to approve the Property Exchange Agreement with CFX and BlueScope Properties Group, LLC for SR 429 Pond.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2976 - Second Reading - Annexation - 1132 Plymouth Sorrento Road
Owners: Robert Grossenbacher 1/5 interest, Scott Grossenbacher and Todd Grossenbacher, 1/5 interest, Carolyn Ditch Trust 1/5 interest, Mary Frisbie 1/5 interest, Elizabeth Townsend 1/5 interest
Applicant: Standard Investments & Holdings, LLC
Location: 1132 Plymouth Sorrento Road
Project: 8.39 ± acres
Project Manager: Roxann Read

Mayor Nelson asked if there were any changes since the first reading to which Roxann Read stated there are no changes.

a. Mayor Nelson then asked if anyone from the Public wanted to speak on this matter.
b. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2976.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance No. 2976
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

2. Ordinance No 2972 - First Reading - Small Scale FLUM – Ace Property
Owner(s): Ace Property, LLC
Applicant: Lam Civil Engineering, Inc. c/o Quang Lam, P.E.
Location: 447 Alabama Avenue
Tract Size: 1.28 +/- acres
Project Manager: Jean Sanchez

The proposed Future Land Use designation of Mixed-Use is compatible with the area because adjacent properties to the east have Future Land Use designations of Mixed-Use. The subject property is currently within the MU-D (Mixed-Use – Downtown) zoning district, which is consistent with the proposed Mixed-Use future land use designation.

DRC Recommends approval of the change in Future Land Use from Commercial (0.25 floor area ratio maximum) to Mixed-Use (1.0 floor area ratio and 15 dwelling units per acre maximum) 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.

a. **Mayor Nelson** asked if there were any questions for Jean or if anyone from the Public wanted to speak on this matter.
b. Mayor Nelson asked if anyone else had any questions on this item. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2972 at First Reading and hold over for Second Reading and adoption.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to approve Ordinance No. 2972 at first reading and hold over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

3. Ordinance No 2973 - First Reading - Small Scale FLUM – 3207 Clarcona Road
Owner(s): 3207 Clarcona Road, LLC
Applicant: Vihlen & Associates, P.A. c/o Sidney L. Vihlen, III

Location: East of Clarcona Road, west of SR 414 and north of Stone Road
Tract Size: 10.08 +/- acres
Project Manager: Jean Sanchez

The proposed Future Land Use designation of Industrial is compatible with the area because adjacent properties to the south have Future Land Use designations of Industrial. This application is being processed simultaneously with an application to rezone the property from AG (Agriculture) District to I-L (Light Industrial) Zoning District.

Recommends approval of the change in Future Land Use from Agriculture (1 dwelling unit per 5 acres) to Industrial (0.60 floor area ratio maximum) 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.

a. **Mayor Nelson** asked if there were any questions for Jean or if anyone from the Public wanted to speak on this matter.
b. Mayor Nelson asked if anyone else had any questions on this item. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2973 at First Reading and hold over for Second Reading and adoption.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Velazquez** to approve Ordinance No. 2973 at first reading and hold over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

4. Ordinance No 2974 - First Reading - Change of Zoning - 3207 Clarcona Road
   Owner: 3207 Clarcona Road, LLC
   Applicant: Vihlen & Associates, P.A. c/o Sidney L. Vihlen, III
   Location: East of Clarcona Road, west of SR 414 and north of Stone Road
   Tract Size:10.08 +/- acres
   Project Manager: Jean Sanchez

The subject properties are approximately a total of 10.08 acres in size. The subject property currently houses industrial warehouses. The I-L (Light Industrial) District is compatible with the surrounding area due to I-L zoning districts found south and east of the subject property. This application is being processed simultaneously with an application to amend the future land use from Agriculture (1 dwelling unit per 5 acres) to Industrial (0.60 floor area ratio maximum) for 3207 Clarcona Road.

Finds the proposed 3207 Clarcona Road – Change of Zoning consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from AG (Agriculture) District to I-L (Light Industrial) District, based on the findings and facts presented in the staff report and exhibits.

a. **Mayor Nelson** asked if there were any questions for Jean or if anyone from the Public wanted to speak on this matter.
b. Mayor Nelson asked if anyone else had any questions on this item. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2974 at First Reading and hold over for Second Reading and adoption.
c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Nesta** to approve Ordinance No. 2974 at first reading and hold over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

5. Ordinance No 2975 - First Reading - Change of Zoning – Avian Pointe PD Amendment
Owner(s): Apopka Clear Lake Investments, LLC c/o Frank Bombeeck
Applicant: NV5, Inc c/o Jason Mahoney, P.E.
Location: South of Peterson Road, north of Lust Road and east of SR 429
Future Land Use: Residential Medium
Tract Size: 127.21 +/- acres
Project Manager: Jean Sanchez

The Avian Pointe – PD was adopted and Master Plan was approved on September 19, 2018, through Ordinance Number 2671. The subject property is approximately 127.21 acres in size and is zoned PUD (Planned Unit Development) and has future land use designations of Residential Medium Density and Residential Low Density. The subject property is located south of Peterson Road, north of Lust Road and east of SR 429. Access to the development is via Grand Avian Parkway.

The applicant is requesting to amend the Avian Pointe – PD and Master Plan, proposing an increase in the total amount of residential units that were previously permitted. Development design standards from the current Master Plan are carried over to the Proposed Master Plan.

The original Avian Pointe PD Master Plan was approved via Ordinance No. 2433 and amended via Ordinance Number 2671, permitting up to 758 residential units consisting of single-family, townhomes, multi-family units, a shared use recreation area, and a parcel for a school. The applicant is requesting to increase the number of multi-family unit by 56 units, changing the project density from 7.36 dwelling units per acre to 7.95 dwelling units per acre and multi-family unit total from 482 to 538. The maximum permitted density in the multi-family portion of the PD is 10 dwelling units per acre.

ACTION: Council voted unanimously to table this item to a date certain of November 16, 2022.

a. **Mayor Nelson** asked if there were any questions for Jean or if anyone from the Public wanted to speak on this matter.

b. Mayor Nelson asked if anyone else had any questions on this item. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2975 at First Reading and hold over for Second Reading and adoption.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve Ordinance No. 2975 at first reading and hold over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

6. Ordinance No 2979 - First Reading – Annexation – 3405 W. Ponkan Road
   Owner: Phillip and Patricia Simmons
   Applicant: P&P Buildcon, LLC
   Location: 3405 W. Ponkan Road
   Project: 9.95 +/- acres
   Project Manager: Roxann Read

The subject property is contiguous to the City limits and is 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. Development of the subject property will be pursuant to all applicable requirements of the Comprehensive Plan and Land Development Code. The applicant intends to construct a 20-lot residential subdivision on the property.

a. **Mayor Nelson** asked if there were any questions for Jean or if anyone from the Public wanted to speak on this matter.
b. Mayor Nelson asked if anyone else had any questions on this item. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2979 at First Reading and hold over for Second Reading and adoption.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to approve Ordinance No. 2979 at first reading and hold over for second reading and adoption.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

7. Resolution No. 2022-48 - Conveyance of "tot lot" parcel to Palmetto Ridge Schopke Homeowners Association, Inc.
   Presented by Michael Rodriguez

According to the plat of Palmetto Ridge subdivision, the "Tot Lot" (known as Tract "A") was dedicated to the Palmetto Ridge Homeowners Association ("Association") to be maintained as a "tot lot." However, on May 5, 2005, the original developer of the Palmetto Ridge subdivision, Lester Land, LLC, conveyed Tract "A" to the City by Warranty Deed, recorded at Instrument No. 20050587443 of the Public Records of Orange County, Florida.

The Association has been planning on placing a “playground” on Tract “A” under the belief that they had title to the property. They contracted with a playground company to construct the playground on the lot and paid a very large down payment. While the Association was negotiating with an engineer to obtain their services to help with all of the required permitting for the playground, the previously described conveyance to the City was discovered. The Association believes that this was done through a mistake by the Developer during the turnover of the Association from the Developer to the members.

Staff does not object to rectifying this situation by conveying to the Association the “tot lot” pursuant to the dedication in the plat.

a. **Mayor Nelson** asked if there were any questions for Jean or if anyone from the Public wanted to speak on this matter.
b. Mayor Nelson asked if anyone else had any questions on this item. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-48.
c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Smith** to approve Resolution No. 2022-48.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

8. Resolution No. 2022-50 - Fiscal Year 2023 Budget Amendment.
Presented By: Edward Bass

On September 14, 2022, by Resolution Number 2022-44 the City Council adopted the final budgets for fiscal year (FY) 2022-2023. The City has committed to expenditures and has experienced unanticipated revenues/expenditures through the current fiscal year that need to be reflected in the budget. Florida Statutes, Section 166.241(4) requires the governing body amend the budget in the same manner as the original budget is adopted. Below are the following proposed amendments:

1. Amendment: Coronavirus-State and Local Fiscal Recovery Funds (SLFRF)
Funding Source: Grant Fund Reserves
Description: As part of the project assignments for SLFRF that City Council approved during the meeting held October 19th, 2022. The following funding and appropriations will be used for the purchase of two Mack MR front load garbage trucks (40-yard Witke Garbage body) and one Mack Granite rear load garbage truck (32-yard Hiel 5000 body).

Account Number	Journal Entry Description	Debit	Credit
150-389-1000	Grant - Funding from Reserves	$0	$1,000,000

150-3210-581-9402	Transfer to Sanitation	$1,000,000	$0
402-381-0150	Transfer from Grant - Funding from Reserves	$0	$1,000,000
402-3210-534-6400	Sanitation – Equipment and Machinery	$1,000,000	$0
	Total Amendment	**$2,000,000**	**$2,000,000**

This budget amendment includes changes in funding and appropriations related to the street light agreement with Oak Pointe.

Account Number	Journal Entry Description	Debit	Credit
190-325-1003	Special Assessment Revenue: Oak Pointe	$0	$32,053.24
190-6193-541-4310	Oak Pointe – Street Lights	$31,618.13	$0
190-6193-541-9101	Oak Pointe – Administrative Fee	$435.11	$0
	Total Amendment	**$32,053.24**	**$32,053.24**

a. **Mayor Nelson** asked if there were any questions for Jean or if anyone from the Public wanted to speak on this matter.
b. Mayor Nelson asked if anyone else had any questions on this item. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-50.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to approve Resolution No. 2022-50.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez said today is all about Commissioner Bankson

Commissioner Smith echoed what Commissioner Velazquez said and

Commissioner Nesta said

Commissioner Bankson thanked his family and

Commissioner-Elect Becker stated that

CITY ADMINISTRATOR REPORT – Edward Bass provided his thoughts on Commissioner Bankson and said we will miss him.

CITY ATTORNEY'S REPORT

1. Noise Ordinance Update

2. Public Safety on Public Properties

MAYOR'S REPORT

1. State of the City
2. Veterans Day Service
3. Debris/Garbage Pickup Update

ADJOURNMENT

The being no further business the meeting adjourned at 4:24 PM .

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Bryan Nelson, Mayor

Attest: ______________________________________

Susan M. Bone, City Clerk