

CITY OF APOPKA

Minutes of the City Council regular meeting held on October 13, 2021 at 7:00 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 – Commissioner Smith provided the invocation and led in the Pledge of Allegiance. He then provided the fact of the day, as follows: On October 13, 1775, the Continental Congress authorizes construction and administration of the first American naval force—the precursor to the United States Navy. In November, the Continental Navy was formally organized. During the American Revolution, the Continental Navy successfully commandeered many British merchant ships and won several victories over British warships. This first naval force was disbanded after the war. What is now known as the United States Navy was formally established with the creation of the federal Department of the Navy in April 1798.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of September 15, 2021

Mayor Nelson asked if everyone had a chance to review the minutes. Commissioner Becker said he had one minor tweak in that under Public Comment, where it says Rod Olsen said he wanted to **have** some marketing statements and said I believe this should be he wanted to **read** some marketing statements. Mayor Nelson noted the correction and asked for a Motion to approve the meeting minutes as read.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve the Meeting Minutes as read. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

PROCLAMATION

1. National Hispanic Heritage Month Presented by: Mayor Nelson

Mayor Nelson said this is National Hispanic Heritage Month and said we have a Proclamation he would like to read. He said we have a lot of City residents as well as employees that are of Hispanic background and said we want to honor them with this Proclamation which recognizes that September 15th through October 15th as National Hispanic Heritage Month. He then read the proclamation.

AGENDA REVIEW

Edward Bass said there are no changes to the Agenda.

PUBLIC COMMENT PERIOD

Kim Buchheit, 6500 Swain Road, Apopka, FL., said she thought the future of the de-funked Rock Springs Ridge Golf Course was just a Rock Springs Ridge issue but since there is a City of Apopka real property asset that has been said to be essential for this deal, all citizens of Apopka tax payers and residents should take an interest. She said in previous meetings, we've heard the Mayor and City Attorney say there's nothing going on but said the website shows that there is a 3-way agreement in the works. She said if there is a mistake on the website, let's correct the error. She said she's a licensed professional land surveyor with 30 years of experience interpreting deeds and matters of title. She said she's also an advocate for protection of gopher tortoises, their habitat and conservation lands in general. She said she provided a few documents to the Clerk to hand out and said you can read the information for yourselves but highlighted a few of the highlights. She said the FWC's Policy on easements and releases, provides that FWC has no obligation to agree to any release. She said it does not appear that RSR residents or the general public are being provided with factual information about the complexity of this deal. She said if the RSR deal is going to be updated, it needs to be on the Agenda so we can all have a fair chance to address our concerns. She said she's in favor of maintaining greenspace and said she personally support community efforts to prevent increased density in RSR or anywhere else that we have de-funked golf courses in Central Florida.

Sonia Newman, 3330 Rolling Hills Lane, Apopka, FL., said she'd like to address something that was said and I quote "you serve all of the people and not just the people of Rock Springs Ridge and you say it's not fair to the rest of the residents". She said to me, isn't this a socialist view? She said you try to level the playing field, do you believe in capitalism, meaning that we've worked hard to ensure we live the lifestyle that we live in Rock Springs Ridge and said she's sure many of you are enjoying that now. She said our home values have increased as a result. She said we pay higher taxes than most people do on RSR, anywhere from \$3,000 to \$6,000. She said serving the needs of the people and working through the process is part of the solution. She said you want to destroy or improve all of our investments and said the homes on average range from \$500,000 to \$700,000 plus. She said you're proposing spending millions of dollars on the North Star project when this group has paid little taxes and we've carried the load, yet you don't have the

funds to pave the roads and the streets. She said RSR isn't asking for money and are paying our own way and just simply need your support. She said you should appreciate who we are and what we have achieved in our home values. She said we need to keep the community as the PUD intended and need to stop the development threats and need the City to serve this community.

Tim Ondrey, 4053 Rock Hill Loop, Apopka, FL., said his fiancé, Katie and I moved to Apopka in May of 2020 to find our forever home. He said we moved here from the Northeast and didn't really know what we were looking for, except air conditioning. He said we traveled all around the Greater Orlando looking at homes and there were plenty we liked but none said, let's do this. He said we saw a listing in Rock Springs Ridge and said they knew from the pictures that this would be something special with large lots, and mature trees, it felt like the neighborhoods we grew up in. He said we knew moving in that the golf course wasn't operational and that it would be a herculean effort no matter what was or was not on the table for negotiating. He said fast forward to today, the opportunity to be understood is not a promise and said common areas, amenities, even a golf course is still alive, despite what may be said here, or on "next door" or behind closed doors. He said the community of RSR overwhelmingly voted to empower the HOA board to take the necessary steps to secure the golf course property for our future. He said that vote is not just a formality, it's our neighborhoods voice saying to the board, the golf group, the City Council and the City of Apopka, we want this. He said we want this as it's a greener future for ourselves and the City. He said we need to get together in a room and solve this.

Darrel Clark, 825 Rock Creek Street, Apopka, FL., said he felt the need to be here in person to help represent the 82% of voting RSR residents who have given our HOA board the overwhelming approval to move forward with the opportunity to gain control of the inactive golf course once and for all. He said as you know the chance to acquire the Harmon Road property with funds of the potential sale of RSR land that borders Kelly Park Road is an interictal part of this opportunity. He said he understands that no contracts have been signed for any of these transactions so this is hardly a done deal. He said he also believes that the HOA board did not have the authority to enter into any contracts, prior to receiving HOA approval from its residents. He said he understands that subsequent to the RSR vote, one of our residents, who opposes this course of action, has unexpectedly proposed an offer for the Harmon Road property from a different buyer. He said he personally finds the timing of this offer as interesting and wonder as to the true intent or motivation of the individual. He said be that as it may, he encourages our Mayor and Commissioners to consider all relative aspects of the sale of Harmon Road and said agreeing to sell the property to the RSR HOA, may not generate the sales revenue that could potentially be realized, assuming the new offer were to go through to an actual purchase however, you're entrusted to oversee the management of our City, which includes responsible growth. He said if our HOA is unable to gain control of the golf course, we know that chances increase that the property will eventually be developed. He said as an RSR and an Apopka resident, he urges the City to grant the HOA the chance to pursue this by granting us the ability to purchase the Harmon Road property at a fair price.

Michelle Chase, 3300 Caledonia Avenue, Apopka, FL., first approached the dais and provided information to the members of the City Council. She said since she's a realtor, she often gets multiple offers on her listings and said a lot of times when she's reviewing with owners, she explains that the highest offer is not necessarily the best offer as there are dollars in the details. She said on page 1 in your packet, there's a new Townhouse property located in Smuggler's Cove that's 1,500 sq. ft. and said they're selling for about \$400,000. She said on the next page is a home that was built and closed in 2019 and said it's homesteaded and said the original tax bill was \$744 and when they received the actual tax bill, it jumped up to \$3,793. and said this house sold for \$298,000. She explained that the difference between our offer and the offer that you have or the intent is that they can send an offer for \$10 million dollars and it still wouldn't be better than our offer. She said our offer includes the development in Kelly Park and said that now you have 2 neighborhoods and said that in doing through the math of this process, she understands why it's developer friendly. She said our \$2.5 million dollar offer with the development of 624 West Kelly Park Road is worth more than the \$5 million dollar offer on the table and even worth more than a \$10 million dollar offer. She said if the cost of a new unit is \$300,000., it is likely that the tax bill for that unit will be \$3,793 today. She said the City of Apopka gets 26% of every tax bill and said this equates to \$986 per home and if you multiply that by 256 homes, it comes to \$246,545 per year. She said after 10 years, that subdivision will bring the City \$2,465,450 in value and will bring the County revenue as well. She said she understands that you want to be good stewards of the City of Apopka and said their offer brings in way more dollars than a \$5 million dollar offer that brings nothing for the future. She said this doesn't include any improvements to RSR and said that they've had a golf group approach us that wants to develop 18 holes at their cost, with no mandatory fees and said that they have an opportunity to reopen RSR as what it was intended to be. She said we have 1320 residents and the biggest piece of land that we have to socialize in is the round-a-bout.

David Hoffman, 3610 Tayside Court, Apopka, FL, said at a recent City Commission meeting, one City Commissioner expressed disapproval of City efforts to help Rock Springs Ridge defend off of any further residential development to a City aided pathway for our community to own the closed golf course property. He said this Commissioner claimed to represent all of Apopka, not just RSR. He said this statement is a head scratcher and is a defiance of logic and reason. He then said "let us deconstruct the statement, by invoking historical examples", and gave reference to the terrorist attacks of the Twin Towers on September 11, 2001 stating that NYC called upon Washington and President George W. Bush to help contain and resolve the crisis. He said if President Bush had said he's President of all of America and not just New York, there may not have been any help. He used another example stating that after a devastating Hurricane struck Louisiana, in New Orleans, last Summer, the Louisiana Governor and New Orleans Mayor asked for help from Washington. He further stated that when the Covid -19 Pandemic struck America in March 2020, then President Trump, took the position that the responsibility to quell the pandemic was that of the Governors and not the President or Washington and indicated that he stood for everyone, yet no one. He inquired whether that Commissioner meant that he stands for all of

Apopka residents and yet none of them and asked what does democracy even mean at Apopka City Hall and stated this Commissioner needs a wake-up call. He said RSR homeowners have experienced a threat to their community for 12 years and said Apopka City Officials face a binary choice and we have our brooms ready for housekeeping.

Commissioner Becker said he'll take the opportunity to respond to this as in a round-about way, he was referenced during the comments of the Public Speaker just now. He said he finds these comments in poor taste and disgusting that you would compare him and his comments related to this situation to anything related to the vicious and horrible acts that happened on 9-11. He said it's in poor form and said you can have your opinion about how his comments were interpreted in the last meeting and said he'll double down on his comments and stands by them. He said you have a prevailing document in RSR right now that limits the amount of development that can go in that neighborhood. He said the green space and the golf course is all a part of the PUD when it was approved and said the third installment that's currently approved. He said you've referred to comments I made last week and they're in very poor taste.

John Horwath, 3649 Rolling Hills Lane, Apopka, FL., thanked Mayor Nelson for carrying the torch for RSR and assisting the HOA and residents with a resolution to owning the green space and stopping any development threats to our community. He said the offer on the table allows the residents to control our own future in order to better maintain the golf lands, improve the community image and maintain our property values. He said for 12 years, the residents have been stressed and have had development threats and this Council has the opportunity to correct all the wrongs including no green space as required by the PUD.

Nick Nesta, 533 Mt. Argyll Court, Apopka, FL., said he wanted to provide a couple of different updates for you which are a little different from what has already been presented. He said he provides things in black and white and is transparent and would like to go over the offer that he originally presented which was for \$4,964,000 million and was an all-cash offer. He said he presented 2 more offers this past Friday and said the appraised value is clearly wrong as the market is dictating a much higher price. He said the next offer was for \$5 million and has a longer due-diligence period and said, in addition, there's a \$5.25 million dollar offer as well, which also has a longer due-diligence period and said he's not in love with either of these. He said he'd like to speak about resolutions. He said we have offers on the table which is different from what's been presented, and is all hear say. He said it's interesting that the RSR residents are for the development on the Gopher Tortoise land but not for a land that the City owns and can profit on.

Gary McSweeney, 1629 Spinfisher Drive, Apopka, FL., said that in today's Orlando Sentinel, there's an article about Deer Run and Wekiva Golf Course and said this is very similar to the Stoneybrook presentation made by Dennis Armstrong. He said what's common amongst them is orphaned golf courses that are taken over by either the City or the County and then redressed, fixed up and sent back to the HOA at no cost to the HOA and said the membership would be basically be assessed \$85 - \$100 per year for 15 or 20 years to take the land back and to use the golf course as scheduled. He said the unique thing about Wekiva and Deer Run which is also

owned by Bob Dello Russo's company, is the Deer Run property is going to be redefined as a common open land area use on the property. He said the Wekiva Golf Course is going to be upgraded and extended into a better golf course and said together what they're proposing is what we as a sub-division and a community at RSR are proposing. He said we proposed to secure the rights to the golf course land through the sale of another piece of property and use those funds to buy the golf course land. He said the golf course lands will be repurposed, possibly as part of a golf course and said out of the 27 holes we have, we may be able to do 9 or even 18 with the groups that we're talking to. He said basically, we would keep at least 1/3 of that for open park and recreation lands for our community. He said as you may know, there's been a lot of dispute around the history of the development of RSR and there are a lot of questions about the land area, the open land area and the recreation lands that have been co-located on the golf course and sold away from our community. He said we essentially have no open recreation lands in which to have a picnic or other community event and said this is an abuse that we've had to deal with for 25 years and said that certainly since the HOA was turned over by the developer to RSR in 2005 only to have the golf course sold out from underneath us. He said this is a mess which is why we're here with our own community money and said we're spending hundreds of thousands of dollars to try and right this ship so that the 1320 residents of RSR can get some satisfaction back.

Commissioner Velazquez said that the remark she represents everyone said that also includes me and said she wanted to clarify this. She said she is a resident of RSR and is one of the 490 homeowners that live on the golf course and when she said that she represents everyone, this is not socialist rather it is a fiduciary responsibility to the taxpayers of the City of Apopka when it concerns a City asset, which is the Harmon Road property. She said she never made a negative remark about the 51 acres that the HOA successfully received an 82% approval from the residents to agree to sell. She said that is a separate business transaction and wishes them luck in getting the development rights for that and said they have a lot of hurdles to cross. She said Mr. Hoffman compared what's going on in RSR, which is really involving a defunked golf course with 9-11; the Louisiana flooding; the Pandemic and said this doesn't share the same relevance. She said also Mr. Horwath said he's a Veteran and she thanked him for his service but said her husband is a Vietnam Veteran and a recipient of the Purple Heart and said she's the mother of a Veteran and sent her son to war twice and said he is currently serving as a First Responder Law Enforcement for Orange County. She said she is also a retired Detective so she and her family have served very honorably.

Commissioner Becker said we're up here and there's a lot of public comment in favor of the action that the RSR HOA took and that's fine. He said he's not advocating one way or the other but said he's advocated since April of having a Public Meeting, open to everyone to share Public Comment as it relates to this specific piece of business. He said putting all the facts on the table, is there even a deal yet for the 51 acres; what's the process for changing the conservation easement; what is the cost of moving the tower on Harmon Road, should we sell that property. He said all of these things have to be discussed in an open forum and he resents the fact that he's advocated on many topics as it relates to the best interest of RSR over the past 6 years and said if we're isolating

it to this one particular piece of business, he finds fault in that argument. He said at the end of the day, all of this needs to be discussed in an open public forum, not during public comment, as we're not going to make an official decision during public comment or during the Mayor's report. He said let's get a workshop together so that the HOA board and this board can come together, layout the facts so that everyone is aligned.

CONSENT (Action Item)

1. Execute Release of Code Enforcement Lien for Karim Khoja c/o Dolphin Investment, Inc.- 263 W. Martin Street, Apopka, Florida.
2. Approve the Nottingham Park Plat.
3. Approve the South Mews at Avian Pointe Plat.
4. Award the construction contract for a new fire engine to Rosenbauer America, LLC.
5. Authorize the execution of piggyback contracts for fiscal year 2022.
6. Accept the disbursement report for September 2021.

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 six (6) items on consent.

MOTION by Commissioner by Smith and seconded by Commissioner Velazquez, to approve the six (6) items on consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Major Development Plan - The Ridge
Owners: Troy S. Bronson LP; John and Donna Marie Kirkland; Binion Partners, LLC; and Apopka Centerline Development, LLC
Applicant: VHB c/o John Prowell, P.E.
Location: North and south of Boy Scout Road; west of SR 451
Project: 366 +/- acres; Parcel 2: 313 total dwelling units; 3.95 dwelling units per acre – Proposed, 15 dwelling units per acre – Maximum permitted; Parcel 4: 268 total dwelling units; 4.59 dwelling units per acre – Proposed, 15 dwelling units per acre – Maximum permitted
Project Manager: Jean Sanchez

Jean Sanchez, Planner II, said that this is a request to approve The Ridge, Phase I, Parcels 2, 4, 5, and 8 Major Development Plan. She said the project site is located North and South of Boy Scout Road and West of SR 451 and said the entire Planned Development area is approximately 366 acres and said that Phase I consists of the development of 275 acres. She said shown is the Master Plan previously approved on July 21, 2021. Consistent with the approved master plan, the applicant

proposes to develop Parcels 2 and 4 for residential uses; Parcel 5 for industrial use; and Parcel 8 for the central amenity and recreational uses. She stated that Phase I will include the construction of Streets A and B, a parallel facility to Boy Scout Road; the trail connection on Boy Scout Road from Binion Road, along Streets A and B to the eastern limit of Parcel 8; wastewater and water utility extensions; water and reclaimed water connections; and offsite improvements. She said Parcel 2 comprises of 79.2 acres, in which the applicant proposes a combination of 81 single family detached units and 232 townhome units for a total of 313 units. She said the single family detached units are placed along the perimeter of Parcel 2 which contains a centrally located amenity area with a pool and a clubhouse. She stated that Parcel 4 will consist of 220 single family detached homes and 48 townhome units on 58.3 acres. She said per the Land Development Code and approved PD Master Plan, these units will be rear loaded and all units will face a dedicated street. She said Parcel 5 contains industrial uses on five. She outlined the landscape plan and reviewed the amenities. A. Buildings 10 She outlined the landscape plan and reviewed the amenities. She outlined the landscape plan and reviewed the amenities. 0 and 200, approximately 146,900 square feet each in size and are included in Phase I. She outlined the landscape plan and reviewed the amenities. She stated that Parcel 8 is approximately 59.64 acres in size and serves as the amenity and open space area for the entire project. She said consistent with the approved Master Plan, Parcel 8 encompasses a visitor and bicycle parking, covered picnic area, dog park, community garden, pavilion, dock with viewing/fishing pier, playground area, outdoor seating areas, bike paths, and pedestrian walking paths with benches.

Commissioner Bankson asked which commercial buildings will be in Phase I to which Jean stated that there are no commercial buildings in Phase I, this only includes Residential, Industrial and the amenity.

Commissioner Becker asked about the issue of the gate at Breckenridge and the back up that occurs on that road and inquired as to the game plan there and said as soon as this starts ramping up, it will perpetuate this issue greatly.

John Prowell of VHB, on behalf of the developer, stated that they've met and had a few phone calls with the folks from the Breckenridge HOA throughout the rezoning process. He said when we met last week, we discussed 3 potential options that they could pursue, one of which could be moving the gates back. He said that would be costly, but it is an option. He said another option would be to develop a residential only gate as well as a guest entrance and said the third option would be to leave the gate open from 7:00 a.m. to 7:00 p.m. and said that may work and said a lot of communities do that. He said we're working with them trying to give them good ideas for that. He said our first Phase doesn't have a road connection across from them but said we're committed to looking at that in our future phases when we make that intersection a 4-way intersection.

Commissioner Becker said the dialog is ongoing and said he wanted to go on record that he's interested in that dialog continuing as it needs to get done with all of the additional traffic that will be on that road. He then asked to clarify whether on page 84 of our packet, Parcel 2, the Northside of Boy Scout Road, is this all being developed in one Phase. He said there's a dotted line that shows Phase 1 & Phase 2 and asked if it was all being developed together. He then asked about the trees and asked what type of trees they'll be for single family homes on the front of the properties.

Jean Sanchez stated that the tree plan will be finalized during the Construction Site Plan due to the width of the single-family lots and the ones that are rear loaded.

Commissioner Smith said his question is that the recommendations you made for Breckenridge, is that going to be financed by Breckenridge or are you going to assist them with that cost.

Mr. Prowell, said that that's undetermined as of now. He said we're just providing them with ideas and options of what they can potentially do and there have been no commitments made as of yet.

Commissioner Smith said that in a previous hearing, we mentioned that you were going to correct the intersection of Boy Scout and Ocoee-Apopka Road and asked if this will be a part of this phase.

Mr. Prowell stated it will be and said we have commitment in our Developer's Agreement to do some initial improvements to the intersection of Boy Scout and Ocoee-Apopka Road and said the initial improvement is to fix that intersection in a way that the elevations start to work. He said we're also doing a preliminary design study with Pam's group to look at the potential long-term fix and make recommendations that can be implemented for the final improvements and whatever that study shows will be the final build commitment.

Commissioner Becker asked to clarify that we're doing 2 signals; one at Binion side and one at Ocoee-Apopka to which Mr. Prowell confirmed there will be 2.

Pam Richmond stated that she has the amended Transportation Impact Fee Agreement in her hand and said they will be participating in the signal at Binion where the ramps come off of 429, and said we're hoping the Expressway does most of it. She said she believes the signal at Ocoee-Apopka and Boy Scout will be coming sooner than later.

Commissioner Bankson inquired about the industrial versus commercial and said he was asking about those industrial and whether they'll be in the sub-phase as well, like the housing.

Jean confirmed that right now, that's how it is, with the exception of the access isles through Parcel 5 as we need the access. She said it'll be Phase 1; Phase 1-A; Phase 2 & Phase 3.

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 Ridge.

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

2. Approve the Orlando Beltway East Development Agreement
Owner: Orlando Beltway Associates - Plymouth Sorrento, LLC
Applicant: Carolyn R. Haslem
Location: West side of Plymouth-Sorrento Road, approximately 1/4 mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road
Presented by: Bobby Howell

Bobby Howell, Planning Manager, said this is a Development Agreement that memorializes the approved Master Plan and Major Development Plan for the Orlando Beltway East and said staff and the applicant are available for questions.

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 Orlando Beltway East Development Agreement.

MOTION by Commissioner Velazquez and seconded by Commissioner Smith to approve Orlando Beltway East Development Agreement. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

3. Road closure request for General Electric Road
Presented by: Pam Richmond

Pam Richmond said this is a request to approve the closure of General Electric Road, East of the 429 over pass to Orange Avenue so we can add the turn lane. She said this was an impact fee credit project that came from the Goya and Amazon projects on Shelby Industrial Drive. She showed a graphic of the proposed closure and said the request for closure will only be for a 2-week period, beginning on Sunday, October 17th and ending on Sunday, October 31st.

Commissioner Velazquez said you indicated that it will take two weeks and asked what hours will they be working.

Pam stated that there's no residential in the area and they've provided notice to the surrounding property owners so we're allowing them to work nights and weekends so that they can complete the job.

Commissioner Velazquez inquired as to whether the area where the detour is, does that take the traffic into any residential to which Pam said there are a few homes out there and said there's not a lot and said the detour will be more of an inconvenience to the surrounding businesses.

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 Road Closure request for General Electric Road.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve the Road Closure request for General Electric Road. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2870 – Second Reading - Comprehensive Plan – Small Scale – Future Land Use Amendment – North Orange Animal Hospital
From: “County” Low Medium Density Residential
To: “City” Commercial (.25 FAR)
Owner/Applicant: Lloyd B. Bearden
Location: South of West Orange Blossom Trail and west of Lake Doe Boulevard
Project: 2.3 +/- acres
Project Manager: Allyson Williams

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt 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. 2870.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to adopt Ordinance No. 2870. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

2. Ordinance No. 2869 – Second Reading – Change of Zoning – North Orange Animal Hospital
From: County A-1 (Citrus Rural) District
To: C-C (Community Commercial) District
Owner: Lloyd B. Bearden
Location: 1424 and 1432 W. Orange Blossom Trail
Project: 2.3 +/- acres
Project Manager: Allyson Williams

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt 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. 2869.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to adopt Ordinance No. 2869. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

3. Ordinance No. 2871 – Second Reading – Change of Zoning – 1506 Rock Springs Road
From: T (Transitional) District
To: C-COR (Corridor Commercial District)
Owner/Applicant: Mary F. Reid Estate c/o Jonathan Huels
Location: North of E. Welch Road and west of Rock Springs Road
Project: 3.99 +/- acres
Project Manager: Allyson Williams

Mayor Nelson asked if there have been any changes since the first reading to which Jim Hitt 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. 2871.

MOTION by Commissioner Smith, and seconded by Commissioner Velazquez to adopt Ordinance No. 2871. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

4. Ordinance No. 2881 - Second Reading - Amend the strict restriction of domesticated animals in City Parks.
Presented by: Brian Forman

Mayor Nelson asked if there have been any changes since the first reading to which Brian Forman 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. 2881.

Commissioner Bankson requested that have sufficient signs to make sure everyone is aware of the new ordinance.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to adopt Ordinance No. 2881. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

5. Ordinance No. 2883 - Second Reading - Amend alcohol approval procedures for events on City property.

Presented by: Brian Forman

Mayor Nelson asked if there have been any changes since the first reading to which Brian Forman 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. 2883.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to adopt Ordinance No. 2883. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

6. Resolution No. 2021-48 - FY20/21 Budget Amendment

Presented by: Gladymir Ortega

Gladymir Ortega, Finance Director said this Resolution amends the budget for FY20/21; amending the Airport fuels sales fund; the Airport fund; and the Sale of the Airport that was approved during the meeting of August 18, 2021.

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. 2021-48.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve Resolution No. 2021-48. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

7. Resolution No. 2021-56 - FY21/22 Budget Amendment

Presented by: Gladymir Ortega

Gladymir Ortega said this Resolution amends the budget for FY21/22 and said this amendment includes six (6) budget amendments. She provided a briefing of each of the six budget amendments.

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. 2021-56.

MOTION by Commissioner Velazquez and seconded by Commissioner Smith to approve Resolution No. 2021-56. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

CITY COUNCIL REPORT

Commissioner Velazquez said she wanted to recognize that we were at the unveiling of the mural of Alonzo Williams and said please take the opportunity to visit the Billy Dean Community Center at Alonzo Williams Park to see the mural that was painted by the talented Delia Miller. She said Delia is a former Apopka High School Senior and said it's a really beautiful mural and is stunning. She said what an honor for our former Commissioner, Alonzo Williams. She said he was there with his family and he was happy and proud to be there and see his mural. She said she also attended the Armando Borjas golf tournament at the Red Tail Golf Course and said as always, the Fire Department puts on a great fund raiser to honor their fellow Armando Borjas. She said it was a successful tournament and was sold out and said kudos to our Fire Department. She said lastly, we had Saturday Sounds and said it was a gorgeous day and as always, it was a perfect day in the park for our families.

Commissioner Bankson said to echo that, the mural is fantastic and said she's very talented. He said he told her when she's rich and famous, I can say I knew her. He said unfortunately, he began to have some symptoms and was not able to make the Golf Tournament or the other events this weekend.

Commissioner Smith said he challenged the young lady with his stick figures and obviously, she won but said she did an outstanding job for the opportunity to recognize Alonzo Williams as our former Commissioner. He said he too was unable to make the golf tournament and said he's blessed that his youngest son got married this past weekend in Jacksonville and said he was there to support him and officiate as well. He asked if we have a status on the grants for the Fire and Police to which Edward stated that he hopes to have a recap of everything at the first meeting in November.

CITY ADMINISTRATOR REPORT

American Cares Act Fact Sheet

Edward Bass said this wasn't originally on my report but I've handed you each a fact sheet from the U.S. Department of Treasury which talks about the Coronavirus monies we've received and how they're distributed. He said this explains how the percentage was allocated; how the money will be distributed to the City in the 2 phases; he said it lays out the different uses of where the funding can be used as well as where the funding cannot be used. He said we'll bring back a plan that staff has as to where the monies can be spent in November.

Commissioner Velazquez asked if this was the American Cares Act money and whether we were going to have a Workshop. She said it's better to do a workshop so that we can review the funding prior to staff deciding and bringing back as an agenda item.

Mayor Nelson said we can do a workshop and asked if in preparation of this, we can concentrate on looking at the larger ticket items rather than trying to request a lot of smaller \$50,000 items as it makes it easier for the Finance Department to track the monies and stay in compliance with the Federal Government.

Edward said he'd like to coincide the workshop with a Council meeting so we can hold the workshop and follow up with it if the Council wants to take any action.

Appointment of Deodat Budhu as the Public Services Director

Edward said we've been through the interview process for our Public Services Director and said you have the resume in front of you and said the gentleman that we'd like to recommend to you is Deodat Budhu. He said he has over 36 years of experience and said he's been the author of several great publications and has a lot of experience in roads; stormwater; and water resources. He said he's retired from Orange County and said he's ready for a challenge here. He said this is an action item under this report and I would like to ask for the ratification of the position.

Mayor Nelson said as we checked his references, most from Orange County, they all said he works too hard. During the interview, he said his request to him was that he only puts in 50 hours per week. He said if anyone has any questions for him in a public forum, now is your opportunity.

Commissioner Smith said when he met with him during the interview, he asked that we be patient with him and he said in jest that he has a 45- minute speech for us tonight.

Commissioner Becker said he wasn't able to meet with him but did read his resume prior to the meeting and said it's filled with a lot of projects that you've led and said from an experience standpoint, he didn't have any questions.

Commissioner Velazquez said she spent a lot of time with him and said welcome to Apopka.

Commissioner Bankson said we had an opportunity to speak and said he really appreciates what you're bringing to the table and said the fact that you've come from a place where we're ascending to and said we're an emerging City. He said also the expertise that you bring as well as the philosophy you bring in creating team, he said he was very pleased with our conversation and your resume speaks for itself so welcome to the family.

Edward added that another thing that he brings that is critical is the partnership with Orange County and said his years of experience with roads and stormwater and said he can bring a lot of teamwork and will allow a better partnership with Orange County as we move forward.

Deodat Budhu thanked the Mayor and Commissioners for providing him the opportunity and said he wanted to assure you that he will work diligently to make sure he meets and exceeds every one of your expectations. He also said this is a little unnerving after spending 30 years on one place to come and join a new organization and said he thinks the challenge is there and he gives his word that he will work as hard as possible to make a difference.

Mayor asked for a motion to approve Deodat Budhu as our new Public Services Director.

MOTION by Commissioner Velazquez and seconded by Commissioner Bankson to approve Deodat Budhu as our new Public Services Director. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

Sale of City Property to South Apopka Ministerial Alliance

Edward said he has one more item and said there's no action to be taken on this item tonight but is looking for some consensus or direction on this item. He said we received a request from the South Apopka Ministerial Alliance for some parcels we own, across from Alonzo Williams Park and said they've offered some consideration for those parcels. He said they have a plan to do some affordable housing in that area across from the park. He said there are 4 parcels in that section of the park and said they're working to contact the owner of another parcel on the end to see if they can get that parcel as well and put all of this together. He said we had previously discussed using these areas for parking for Alonzo Williams Park. He said as you may recall, there's property to the back side of the park that we talked about trying to acquire but said we're not going to be successful with that as it has restrictions on it. He said if you recall, we're doing a grant currently in the Alonzo Williams Park on the Washington Street side and we're going to be making some significant improvements there and will have the trail, new sidewalks, a gazebo, and an additional parking area. He said he discussed with staff that we currently have 26 parking spots in the front parking lot. He said that original plan only included 7 spots on the back side however we asked the Engineers in Public Services to see if they could get more parking out of this area and they were able to get 10 additional spaces, so that's 17 additional parking spaces and will include sidewalks to the park and the building for a total of 43 parking spots, which we feel is sufficient. He said we would like to come back to you with an agreement for the South Apopka Ministerial Alliance to do some type of affordable housing in that area and said we don't have a lot of that and this will be very good from our community. He said the request for you is for direction from you to come back with a plan of what this is going to look like so that you can see the concept as well as an agreement.

Commissioner Becker said it's his understanding that there's a Florida Statute, Chapter 166.0451, that drives inventory of City owned property and asked for clarification on that. He said that he agrees that having a concept plan would help visualize this and said this is a spot that makes sense for this.

Mayor Nelson said one of the things we've tried to do is to try and reach out to the homeowner on the corner and said if they could get that piece, it would make a really nice product. He said Rod Love is working on this as well and we've sent a certified letter to try and get a response.

Commissioner Bankson said he loves that it utilizes the community as well to make this happen. He said he loves the whole of this and agrees that a concept plan will help visualize.

Commissioner Velazquez said she spoke to Rod Love and said she knows this has been an ask of theirs since the first time she was a Commissioner and said the property has been sitting there for almost 20 years. She said the fact that they're willing to take on this project says a lot and said it will provide affordable housing to the community there and supports this effort.

Michael said to confirm, the Florida Statute is Chapter 166.0451 which speaks to the disposition of municipal property for affordable housing and said there are 2 sub-sections (1) Every city has to have a list of those properties that can be earmarked for affordable housing; (2) the sale of that property and the proceeds of the sale can be used to fortify any fund that the City has in order to assist in affordable housing and also that the sale can be contingent on a restrictive covenant being placed on the property to guarantee that the property will always be used for permanent affordable housing.

Commissioner Becker said in his tenure on Council, he hasn't seen that list and asked if we have to do this from a procedural step to which Michael stated that he'll confirm as to whether the City has such an inventory list or wishes to adopt one and said the property can still be sold with those conditions related to the restrictive covenant that the property be used for permanent affordable housing.

Commissioner Smith disclosed that he's a member of the South Apopka Ministerial Alliance and said that he agrees that this will be an ideal project and said we've discussed the need for affordable housing and said this will show a commitment on behalf of the City that we stand behind and mean what we say that we would like to have affordable housing for our residents so that we can retain the brightest and the best of our residents in our community and said he supports this.

CITY ATTORNEY'S REPORT

Michael had nothing additional to report.

MAYOR'S REPORT

Mayor Nelson said that we've already brought up about the mural and said Delia Miller did an incredible job on this. He said the Armando Borjas Golf Tournament was successful and the number he heard was that we raised about \$12,000 and said it went well.

Mayor Nelson said he had a meeting with Mayor Demmings and said you all have a letter in your packet from Mayor Demmings as to the workforce housing at the Town Center. He said Mayor Demmings was still surprised that either Jim Hitt or myself did not know that that was part of this

project but didn't deny that there was nothing in writing that showed we had approved this agreement, based upon affordable housing.

City's Legislative Budget Request

Mayor Nelson said in addition to the meeting with Mayor Demmings, he said with the City's Legislative Budget request, we have \$2 million dollars in the current budget on the House and the Senate side for the Border Lake/Lake Pleasant/Lake Page flooding issues. He said you may have seen this morning, a lane on 436 that was closed as we were trying to find the abandoned drainage well. He said we went down through 18" of asphalt and cement and down to 7' below the surface of the road and still didn't find the drainage well. He said what we're looking to do is to replace the drainage well, which we're confident that was there and has been covered over, to somewhere near Border Lake and to rehabilitate 2 additional wells at Lake Page and Lake Pleasant. He said as an alternative and would be much more effective from an environmental standpoint would be to use the easement that Utilities Inc, uses to bring water from the Wekiva area down to our plant on Cleveland. He said what we're talking about is pulling off the excess water from Border Lake; Lake Pleasant and off Lake Page, taking it to our site on Cleveland, treating the water to a reclaimed water standard and putting it into our system. He said that's about a \$4 million-dollar project and said replacing the drainage well and fixing the other two is about a \$2 million-dollar fix. He said the problem with these fixes is that as we know, Governor DeSantis is pretty keen on environmental issues and putting a drainage well within a mile of Wekiva Springs will likely not be approved at the State level. He said he wanted to let Mayor Demmings know that we may not have that as an option. He said we need to get DOT as well as Seminole County, who is also a part of the problem, to partner with us. He said Orange County is obviously already a good partner with us. He said hopefully we can get the \$2 million from the State Legislature and another \$2 million from the 4 partners he's mentioned to come up with a project that will not only clean up the water but also give us millions of gallons of reclaimed water for our citizens here in Apopka. He said he'll keep everyone posted as it goes along and said this will likely be the first meeting in December when they start the budget hearings. He said Mayor Demmings committed his lobbying staff to help us push that through the State Legislature.

AFD/Gina McReynolds Foundation T Shirts for Breast Cancer Awareness

Mayor Nelson said the Apopka Fire Department along with the Gina McReynolds Foundation will be selling T-Shirts here at City Hall and also at Saturday Night Sounds so if you want to get a t-shirt to support this foundation, they're \$20 each.

Saturday Night Sounds

Mayor Nelson said Commissioner Velazquez and he were both there and said it was a good turnout. Absolute Queen is coming to town on October 23rd said this should be a great event and we're looking forward to that. He said we gave away some trees and said we still have about 500 cypress trees left over. He said if you want a cypress tree come on down to the parking lot between Little League and Soccer fields and grab one.

ADJOURNMENT - There being no further business the meeting adjourned at 8:47 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk