CITY OF APOPKA MINUTES

Minutes of the City Council Meeting held on October 5, 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 – Not present

EMPLOYEE RECOGNITION

1. Service Pin Awards - City Employees

   Joe Patton, HR Director, said today is an opportunity to thank our employees who have reached an anniversary with the City. He said this is our quarterly ceremony where we recognize and award service pins to those employees who have met a minimum of 5 years of service, all the way up to 30 years of service. He said we have several employees here today and for those who were unable to make it, he will talk about them as well. He then recognized the employees in alphabetic order and presented service pins and certificates to those who were in attendance. Those who were not in attendance will be provided with their certificate and pin accordingly.

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: On October 2, 1965, a team of scientists invent Gatorade, a sports drink to quench thirst, in a University of Florida lab. The name "Gatorade" is derived from the nickname of the university's sports teams. Early in the summer of 1965, University of Florida assistant football coach Dewayne Douglas met with a group of scientists on campus to determine why many of Florida's players were so negatively affected by the heat. The scientists developed a drink that contained salts and sugars that could be absorbed more quickly and the basis for Gatorade was formed.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of September 7, 2022.
2. First Budget Hearing Meeting Minutes of September 7, 2022.
3. Final Budget Hearing Meeting Minutes of September 14, 2022.

a. **Mayor Nelson** said we have 3 sets of minutes and albeit they came a little later than we'd like, he asked if everyone has had a chance to review and whether anyone had any additions.
b. Hearing none, he asked for a motion to approve the three (3) sets of minutes.
c. Motion by Commissioner Bankson and seconded by **Commissioner Velazquez** to approve the **three (3) sets of minutes.**
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

PROCLAMATION

1. Mobility Week 2022 presented to the Florida Department of Transportation
   Presented by: Mayor Nelson

   Mayor Nelson called upon Nicole Kennedy to introduce Jo Santiago from the Florida Department of Transportation as well as Ponobeth Vatatario with Mobility Week. He then read the proclamation in honor of Mobility Week.

   Jo Santiago from the Florida Department of Transportation thanked the Mayor for the proclamation and for participating in Mobility Week with us. She said this is very much a cooperative effort by the DOT to get agencies, Cities and Counties to participate in events, offer promotions and encourage Floridians to try new modes of transportation. She said we look forward to seeing you on October 22nd.

2. Cybersecurity Awareness Month
   Presented by: Mayor Nelson

   Mayor Nelson said next, we have a proclamation for our friends in the back, who keep us safe and secure as far as our communications across the City. He said Rob, Bob and the team at IT, will periodically send out phishing emails to see who they can trick into opening a phishing email. He said there've been multiple Cities within the past several months and even a business here in Apopka that have had to pay to get their information back from cyber-hackers. He read the proclamation regarding Cybersecurity Awareness.

   Rob Hippler, IT Director, thanked the Mayor for recognizing October as Cybersecurity Awareness month. He said as mentioned, this isn't just something IT has to deal with, it's across the board for every user we have. He said we try and train all of our users as to the online threats that are out there as well as the email spoofing coming in. He said our biggest threat we deal with is someone trying to impersonate another figure here and get some sort of credential from that individual. He said we try and push training to each of the users and for those who don't complete it on time, we've had to lock their account to get their attention.

PRESENTATION

1. Hurricane Ian update
   Presented by: Mayor Nelson

   Mayor Nelson provided a quick presentation in the wake of Hurricane Ian. He said in our pre-storm preparations, we had 294 cubic yards of dirt used to fill over 22,000 sandbags. He said in addition, Duke Energy took advantage of two of City owned staging areas one of which was located at the Northwest Facility, and the other at the Gilliam Center parking lot and were able to stage over 100 trucks and speed up the process. He said our Fire Department went out and visited all of our nursing homes to make sure their generators were up and running, in the event of power loss. He said in addition to the rainfall we received from the storm, as you know, the City takes on reclaimed water from Altamonte Springs and from Sanlando, which is the Wekiva area. He said in preparation for that, we had all of our fields running and said we had plenty of room for storage at the Golden Gem pond, which is 300,000,000 gallon pond. He said we were taking 4,500,000 gallons per day from Altamonte Springs and almost 3,000,000 gallons per day from Sanlando and said we were able to take it on although there was a point where they both were inundated and had to release into the Wekiva. He said our Public Services; Parks & Rec, Police, and Fire Departments worked together to man the EOC and take care of our infrastructure and said this was a team effort and he couldn’t be prouder of the team from the preparations leading up to the storm and then after the storm as we started to repairs. He said we had a total of sixty (60) lift stations that went down, due to power on Thursday at 2:00 p.m. and by 7:00 p.m., that number was down to twenty-nine (29). He said we had several major lift stations loose power but all had generators to prevent overflows. He said all of the facilities made it through. He said one of the problem areas we have in the City that have been a topic of discussion for years is the Border Lake/Lake Page/Lake Pleasant. He provided a slide depicting the before and after shot on Wednesday with approximately 18” to 2’ in the pond in front of Hobby Lobby. He said the good news is within 24-36 hours, it had all subsided and said the water is back into the pond. He provided additional slides showing the drainage for other neighborhoods including Majestic Oaks but said we’re working with Orange County to figure out a long term solution for these areas. In addition, Clear Lake has been a concern as well and showed the water level prior to the storm and said it went up 8” or so. He said Clear Lake Estates subdivision is something we need to address as we move forward and said we will have some discussions with the Clear Lake folks as to addressing the issues out there. He said the drop off site has been set up out at the Northwest Recreation Complex debris site, off of Appy Lane. He said otherwise, you can put it out and Crowder Gulf will begin picking that up. He said please make sure to separate the debris as FEMA only covers the tree debris and not furniture and other household items. He said lastly, the private gated neighborhoods will be picked up but will need to be placed on a City right-of-way.

Commissioner Velazquez thanked Josh Robinson for personally contacting some of the residents who had concerns about the storm pick up.

Commissioner Bankson inquired as to the letter that Edward sent which shows 4 different sites.

Josh Robinson said we're only activating the site at Northwest for drop off but confirmed that those other sites are pick up sites.

Commissioner Smith said he saw several of our public works individuals out working and said even one at Sheeler Oaks at the pump, in the middle of the storm, making sure it was operating properly and said he's very proud of the work of our Public Works Department.

Commissioner Nesta said similar to what Mayor Nelson was saying, he helped with the sandbags and was speaking with some of our staff and said they seem to like the challenge of what comes with problem solving through a hurricane and said that was cool to see. He said we do have quite a few smaller gated communities and said where do some of these smaller communities put theirs.

Josh said we have a limited time to get the City maintained right of ways cleared up in order to be reimbursed but we will get to everyone. He said for those who don't want it to sit until the end of the cleanup, we've provided some alternative sites.

AGENDA REVIEW

Edward Bass stated there were no changes to the Agenda.

PUBLIC COMMENT PERIOD

Dennis New, 105 W. Magnolia Street, Apopka, FL 32703, provided a handout and said he wanted to spend his 4 minutes on that packet but said he has a more important issue to cover. He said he received a call from a friend that was concerned about his mom as she wasn't answering the phone. He said he found her in the front yard with a hand saw trying to cut up limbs in order to take them to the NW Recreation facility as she said she read online that that was the procedure. He said debris recovery should be covered by FEMA and asked who the liason is between the City and FEMA.

Venus Griffith, 2428 Wyndham Bay Place, Apopka, FL 32703, thanked Commissioner Bankson for coming out to her house before and after the storm as well as yesterday to see if we're okay. She thanked Mayor Nelson for coming out to the house as well to see how high the lake has gotten and said she appreciates that. She also thanked Commissioner Nesta for coming out and said she did get 10 sand bags delivered to her home. She said as everyone knows, we had a horrific hurricane and said this was a wind and rain event and has never seen anything like this in her life. She asked about the reclaimed water we get from Altamonte Springs and asked why Clear Lake still has an issue. **Mayor Nelson** responded that that Altamonte Springs paid for the pipe in order for us to receive the water. She asked if we pay for the pipe, would we be able to pump the water and said we can't survive another hurricane out there. She said we have increasing mosquitos, alligators, snakes and blind mosquitos and said she's looking for a solution.

Rod Olsen, 3156 Rolling Hills Lane, Apopka, FL 32712, thanked the Mayor and Commissioners for all they do. He said when he was filling his sandbags, he saw Nick and the Mayor with shovels in hand. He said he got to experience something that most people don't get to and said he was a volunteer for the CERT program and was at Station 1 from 8:00 a.m., Wednesday morning until 6:00 p.m. Thursday afternoon. He said he worked with dispatch handling non-emergency calls and said the whole area was wall to wall inflatable beds and cots. He said the situation was not the most pleasant but they made the best of it and it was awesome. He said the concern that they have and the true teamwork was awesome and said it was great to see from the inside. He said also he appreciated the National Night Out and said we appreciates that the Silver Oaks Subdivision, at the last minute, picked up and ran with it and said it was a wonderful event. He said Troy and Jennifer from the HOA, along with Jason Wiggins, coordinated this and pulled it off and said it was a wonderful event and he saw everyone there. He said also, we need to talk about growth and infrastructure and said it's important that we look at all of the departments as we're the fastest growing City in Orange County and we need to get in front of it. He said we have the fact of the day but he feels we should have the department of the month and highlight what each department does. Lastly, he said it's a shame that we do Employee Recognition before the meeting and said it's an awesome accomplishment and the recognition needs to occur during the meeting.

CONSENT (Action Item)

1. Execute release of Code Enforcement Lien - Property Address: 734 S. Central Avenue, Apopka, FL.
2. Approve Utility Easement Agreement with the Lakeside Apopka Homeowners Association, Inc., for Lakeside Phase II
3. Authorize City Administrator to sign contract renewal (#1) for the Northwest Recreation Complex Concessionaire "Mr. Grill."
4. Authorize the execution of piggyback contracts for fiscal year 2023.
5. Authorize the issuance of evaluated and sole source memos for fiscal year 2022.
6. Authorize the issuance of evaluated and sole source memos for fiscal year 2023.

a. Mayor Nelson asked if anyone had any questions about any of the six (6) items on Consent.

Commissioner Velazquez inquired about item 4, the piggyback contracts and asked if we listed which contracts they are.

b. Hearing no additional questions, he asked for a motion to approve the six (6) items on Consent.

c. Motion by **Commissioner Smith** and seconded by **Commissioner Velazquez** to approve the **six (6)** items on Consent.
d. Motion carried unanimously, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

1. Alterna Logistics Park – Major Development Plan
Owner(s): Apopka Industrial Airport South, LLC c/o Daniel T. O'Keefe
Applicant: Kimley-Horn and Associates, Inc. c/o Jason A. Lewis, P.E.
Location: West of U.S. 441 and Apopka Airport Road
Tract Size: 72.99 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez, Planning Department, said this is a request to approve Alterna Logistics Park Major Development Plan. She said the subject property is located west of U.S. 441 and Apopka Airport Road and is approximately 73 acres in size. She said based on the aerial, it's South adjacent of the Airport and surrounded by Industrial uses. She said the Alterna Logistics Park – Major Development Plan (MDP) proposes the development of an industrial center with three buildings for warehouse and distribution uses with trailer parking on approximately 72 acres. She stated that building 100, the building nearest Apopka Airport Road, will have approximately 154,000 square feet of area; Building 200 will have 300,000 square feet and Building 300 will have 120,000 square feet of area, for a total of 574,000 square feet of industrial uses. She said while 287 parking spaces are required, the applicant is proposing a total of 430 parking spaces with 19 accessible spaces. The maximum permitted height is 50 feet. She said DRC recommends approval and the recommended motion is to approve the Alterma Logistics Major Development Plan.

a. **Mayor Nelson** asked if anyone had any questions 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 Alterna Logistics Park.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Nesta** to approve the Major Development Plan for Alterna Logistics Park. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

2. Apopka Business Center - Major Development Plan

Owner: Nancy Mann Trust 70.6% Int, Will & Kerry Blaine Legacy Blessing Trust 10.5%, Bill & Dabney Blaine Charitable Remainder Trust 10.5% Int, Waterstone Support, Foundation Inc 8.4% Int
Applicant: Langan Engineering and Environmental Services, Inc. c/o Joseph Yanucci, P.E.

Location: Southeast corner of Hermit Smith Road and General Electric Road
Project: 78.99 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez, Planning Department, said this is a request to approve the Apopka Business Center Major Development Plan. She said the property is located on the southwest corner of Hermit Smith Road and General Electric Road. She said based on the aerial, it is West of the current site of the Amazon Warehouse and surrounded by like uses as well. She stated that the Apopka Business Center – Major Development Plan (MDP) proposes the development of an industrial center with three buildings for warehouse and distribution uses with trailer parking on approximately 79 acres. She stated warehouse buildings 100 and 200, adjacent to Hermit Smith Road, will have approximately 266,967 square feet of area. She further stated that warehouse 300 is proposed to have 443,106 square feet for warehouse and distribution uses. She said while 144 parking spaces are required, the applicant is proposing a total of 520 parking spaces with 19 accessible spaces and said the proposed maximum building height is 38 feet and the maximum permitted height is 45 feet. She said the applicant also details proposed open space and amenity areas that surpass the 5% requirement by Code and said McKay Lake, situated in the center of the project site, and Hermit Lake, on the southeastern portion, are amenitized with paths surrounding the lake areas. She said DRC and Planning Commissioner recommend approval and the recommended motion is to approve the Apopka Business Center Major Development Plan.

Commissioner Nesta asked if this will be owner/user to which Jean said we've asked the applicant but have not been advised as of yet.

Commissioner Velazquez asked whether the lakes are three separate lakes or whether they feed into each other. She said once development starts, we don't want the same issue as we've been having.

Alex Mullock with Langan Engineering said he's the Civil Engineer on the project. He said there are three proposed lakes and said the two on the West side are inter-connected as a pre-treatment lake going to a wet pond that then discharges to Lake Apopka. He said the one on the East side is a stand alone lake that will treat the water going into it and has an emergency spillway into two existing lakes on the site, both of which are closed and do not connect to Lake Apopka.

Commissioner Velazquez asked him to please explain in layman's terms.

Mr. Mullock said the two proposed ponds are connected together and will be discharged into Lake Apopka. He said the other proposed pond is a stand alone pond that will treat the water and retain the water from the NE portion of the site and has an emergency spillway to the two existing lakes on the site, which are closed and do not discharge into Lake Apopka.

Commissioner Smith said you said the three ponds you'll build will discharge into Lake Apopka and asked if that's legal.

Mr. Mullock said in the existing condition, without this being developed, the site and existing grading is such that the stormwater runoff flows southwest, toward Lake Apopka and the northeast portion flows into the two existing lakes. He said in the proposed condition, we designed the new ponds to mimic the existing condition. He said this meets the stormwater criteria for both the City of Apopka and the SJRWMD.

Commissioner Nesta said so we're not worried about the impermeability of our development making this issue worse.

Mr. Mullock stated that the three ponds that we're proposing are designed to mitigate that.

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 Apopka Business Center.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve the Major Development Plan the Apopka Business Center.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2960 – Second Reading - Amendment to the City's five-year capital improvements plan to add Recreation Improvement, and incorporating into the City of Apopka, Comprehensive Plan, Capital Improvements element.
   Presented by: Radley Williams

   a. **Mayor Nelson** asked if there were any changes since the first reading to which Jim Hitt stated there are no changes.

      Commissioner Nesta asked if we have an updated timeline for the ADA park meeting that we were going to redo.

      Radley Williams, Parks and Rec, said we have not set that meeting yet but are thinking sometime in December, prior to the holidays.

   b. Mayor Nelson then asked if anyone from the Public wanted to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2960.
   c. Motion by **Commissioner Bankson** and seconded by **Commissioner Velazquez** to adopt Ordinance No. 2960.

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

2. Ordinance No 2955 - First Reading - Small Scale FLUM - 2309 Ocoee Apopka Road
Owners: Ronnie B. Phillips and Wanda R. Phillips
Applicant: Jonathan P. Huels, Esq.
Location: 2309 Ocoee Apopka Road
Tract Size: 5.71 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez, Planning and Zoning, said this is a request to approve the small scale Future Land Use Amendment request for 2309 Ocoee Apopka Road. She said the property is approximately 5.7 acres situated north of Keene Road and east of Ocoee Apopka Road. She said the applicant proposes to construct a mixed-use development with both commercial and residential uses and said this is consistent with the Comprehensive Plan and Land Development Code, and is compatible with the character of the surrounding properties. She said DRC and Planning Commission recommend approval.

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

Commissioner Nesta asked if this is going to be an age restricted development.

Jean said that is the speculation for that and said the Zoning portion of this is still being reviewed and deferred to the Attorney of record.

Jonathan Huels, 215 N. Eola Drive, Orlando, said this is just one component of other properties being assembled for a mixed-use project and said right now there is a PD application that's been submitted that will take the entire project through PD. He said through the PD process, we'll specify that the residential component will be age restricted Senior housing and at that point, it will be locked in but if for any reason that changes, they would have to bring that component before you.

Commissioner Smith asked if the applicant will donate right-of-way for the widening of the road.

Mr. Huels said it is understood as part of the PD; the PD Agreement and the Transportation aspects of it, will require the applicant convey 30' of frontage for the future improvement of Ocoee Apopka Road.

Dennis New, 105 W. Magnolia Street, said this is a land locked lake and said this is a rehabilitation center and asked him what his plan was.

Mr. Huels stated that this is the map change aspect and not the engineering and design phase and said that will go through a different & more thorough review process, at that time.

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. 2955 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. 2955 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 2961 - First Reading - Small Scale FLUM - Simmons Property
Owners: Chester Leon Simmons and Deborah Simmons
Applicant: Chester Leon Simmons
Location: 828 South Washington Ave
Tract Size: 0.56 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez, Planning Department, said this is a request to approve the Future Land Use Amendment for the Simmons Property from Commercial to Residential Medium. She said the property is located at 828 S. Washington Avenue and is approximately 0.56 acres in size. She said the proposed Future Land Use designation of Residential Medium is compatible with the parcels located northwest of the subject property. She said the property is currently within the MUD (mixed-use, downtown zoning district) and is also consistent with the requested future land use designation. She said the DRC and Planning Commission recommend approval.

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

Commissioner Nesta asked what the tentative plans for this property are.

Jean stated we understand it is to build townhomes.

Mr. Simmons, 828 S. Washington Avenue, Apopka, FL 32712 said we initially bought the property as a commercial property to put a church on. He said the Lord knows Apopka has enough churches. He said we later found out we couldn't build a church there and said we're trying to get the property zoned for low income houses to match the existing community.

Mayor Nelson said are these going to be single family as in owners or are they going to be rentals.

Mr. Simmons said we're going to sell them so we can find more land to try and build a church in a new location.

Commissioner Nesta asked if they'll be detached homes to which Mr. Simmons confirmed yes.

b. Mayor Nelson asked if anyone else had any questions. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2961 at First Reading and hold over for Second Reading and adoption.
c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve Ordinance No. 2961 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. 2962 – First Reading – Change of Zoning & Master Plan – Kelly Park Crossings
Owner(s): Kelly Park VB Development, LLC
Applicant: Kimley-Horn & Associates, Inc. c/o Melibe S. Thomas, P.E.
Proposed Zoning: KPI-MU (Kelly Park Interchange - Mixed Use)
Location: Southwest corner of SR 429 and Kelly Park Road
Project: 259 +/- acres
Project Manager: Jean Sanchez

Jean Sanchez, Planning Department, said this is a request to approve the Change of Zoning for Kelly Park Crossings from T-Transitional to KPI-MU (Kelly Park Interchange – Mixed Use as well as the accompanying Master Plan. She said the subject properties are located on the Southwest corner of S.R. 429, Kelly Park Road and are within the 1 mile radius of the Interchange at Wekiva Parkway and Kelly Park Road. She said the property currently has a future land use designation of Mixed-Use and is also currently zoned T-Transitional. She said the applicant is requesting approval of the accompanying Master Plan and is proposing that the location of the four overlay districts slightly vary from the overlap map in the Code, as shown in the Master Plan. Based on the KPI – Form-Based Code the boundaries of the overlay district are not defined and conceptual in nature. She said the Minor revisions the character zone boundaries are defined in the Form-Based Code as those where the boundary line is shifted by less than 300 feet and/or the expansion of a character overlay zone by less than five acres. She stated that the Master Plan details a conceptual plan for a mix commercial, industrial and residential uses proposed on approximately 259 acres of area. She said the DRC and Planning Commission recommend approval.

Commissioner Velazquez disclosed that we discussed this project with the Attorney, Jonathan Huels and we reviewed this project. She said she sent him an email today to ask him about a pond on the site plan to which he responded that it was under consideration.

Jonathan Huels, said when we met we went over most of the information Jean has already covered. He said in a follow up email about the proposed pond, potentially being cited on the site stormwater pond in terms of the Kelly Park Road widening that is forthcoming as part of the development of this area and consistent with the Kelly Park Form Based Code. He said his response was that this is being worked on as we speak along with other utility and infrastructure items with City staff. He said Pam Richmond being the point of contact in terms of the transportation aspects. He said we've turned a Development Agreement with the City and it likely needs another before it's ready to be reviewed by City Council. He said this is a big 259 acre project and said this will be multi-phased and this is the step to get to the more finite design stage, that's required and said currently it has a transitional zoning with a mixed-use future land use. He said the only zoning this fits with respect to the City's code is what we're presenting today and the other components will come before you. He said this is duly noted by out team.

Commissioner Bankson said he also met with the applicant,

Commissioner Smith said he met with Mr. Huels as well and asked Jean about the density bonuses to which Jean spoke to.

Jean stated that here are still opportunities in the Form Based Code for bonus densities however, the option to have one dedicating a pocket park is no longer there.

Commissioner Nesta said he knows the Planning Commission decision was not unanimous and asked why.

Jean said one of the Planning Commissioners voted against it mostly due to the transportation portion as it pertains to Golden Gem Road.

Commissioner Nesta said this is more of a topic that was raised in that specific commission meeting. He said we discussed whether to stop construction and development on this road altogether until we get our infrastructure in place. He stated this is not appropriate or fair for the other land owners in the area as we created this higher density KPI that allowed for this. He said he understands we're working in conjunction with Orange County on this. He said Golden Gem will be developed but it just takes time.

a. **Mayor Nelson** asked if there were any questions for Jean or 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 approve Ordinance No. 2962 at First Reading and hold over for Second Reading and adoption.

c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Bankson** to approve Ordinance No. 2962 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 2963 -First Reading - Small Scale FLUM - Ponkin Road Property
Owner: Ponkin Road Property, LLC
Applicant: Kimley-Horn and Associates, Inc. c/o Jaime Albino, P.E.
Location: Southwest corner of Ponkan Road and Plymouth Sorrento Road
Project: 14.95 +/- Acres
Project Manager: Roxann Read

Roxann Read, Planning Department, said this is a request to accept the first reading of Ordinance No. 2963. She said the property is located on the southwest corner of Ponkan Road and Plymouth Sorrento Road. She said the 14.95 acres is currently Residential Low Suburban and said they've applied to rezone the property and that case will come before you next.

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

Commissioner Nesta asked if we have the specifics on what the plans are.

Jaime Albino, South 189 Orange Avenue, Orlando, FL said currently there are no plans for the property and said there have been discussions on possibly doing a gas station on the property.

Commissioner Nesta asked staff if this area will be commercial and match what's around it in the next few years.

Roxann Read confirmed that yes, that's what we're looking at.

Commissioner Smith asked about the spelling of Ponkin to which the applicant stated that he can't speak to this and that it's a question for the owner.

b. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2963 at First Reading and hold over for Second Reading and adoption.

c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve Ordinance No. 2963 at first reading and hold over for second reading and adoption.

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

6. Ordinance No 2964 - First Reading - Change of Zoning - Ponkin Road Property
   Owners: Ponkin Road Property, LLC
   Applicant: Kimley-Horn and Associates, Inc. c/o Jaime Albino, P.E.
   Proposed Zoning: Community Commercial District (C-C)
   Location: Southwest corner of Ponkan Road and Plymouth Sorrento Road
   Tract Size: 14.95 +/- acres
   Project Manager: Roxann Read

Roxann Read, Planning Department, said this is a request to accept the first reading of Ordinance No. 2964. She said this is the property from the previous item and the zoning is currently transitional and agriculture and they're requesting that they become C-C (community commercial). She said the DRC and Planning Commission both recommend approval.

Commissioner Nesta asked if we take a 30' right-of-way and asked if we do this on Plymouth Sorrento or on both.

Pam said on this one, we're taking on Ponkan also as the County has some future interest in widening and said she's shared this with Orange County so as to avoid another Rock Springs Road and Welch Road scenario.

a. Mayor Nelson asked if there were any questions or 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 approve Ordinance No. 2964 at First Reading and hold over for Second Reading and adoption.

c. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve Ordinance No. 2964 at first reading and hold over for second reading and adoption.

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

7. Ordinance No 2965 - First Reading - Small Scale FLUM - 1829 Plymouth Sorrento Road
   Owners: Kathy Eunhuilee Jung and Amy Chong Eunah
   Applicant: Maury L. Carter & Associates, Inc c/o Emily Brown
   Location: Southwest corner of Lester Road and Plymouth Sorrento Road
   Tract Size: 5.86 +/- acres
   Project Manager: Roxann Read

Roxann Read, Planning Department, said this is a request to accept the first reading of Ordinance No. 2965. She said this is 5.86 acres and said it's located on the southeast corner of Lester Road and Plymouth Sorrento Road. She said it's currently AG (Agriculture) future land use and they're requesting Commercial to be compatible with the surrounding areas. She said the DRC and Planning Commission both recommend approval.

Commissioner Nesta asked what the plans are for this one.

Emily Brown, 33333 S. Orange Avenue, Orlando, FL, said her client owns the northern property between the daycare and Lester Road and currently, we don't have any plans for development however it will be under the same ownership.

a. **Mayor Nelson** asked if there were any questions or 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 approve Ordinance No. 2965 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. 2965 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.

8. Ordinance No 2966 - First Reading - Rezoning - 1829 Plymouth Sorrento Road
Owner(s): Kathy Eunhuilee Jung and Amy Chong Eunah
Applicant: Maury L. Carter & Associates, Inc. c/o Emily Brown
Location: Southeast corner of Lester Road and Plymouth Sorrento Road
Project: 5.86 +/- Acres
Project Manager: Roxann Read

Roxann Read, Planning Department, said this is a request to accept the first reading of Ordinance No. 2966. She said this is the property is located on the southeast corner of Lester Road and Plymouth Sorrento Road and is 5.86 acres. She said it's currently zoned AG (Agriculture) and said it's a companion case with the previous item. She said they're requesting C-C (community commercial) zoning district. She said the DRC and Planning Commission both recommend approval.

a. **Mayor Nelson** asked if there were any questions or 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 approve Ordinance No. 2966 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. 2966 at first reading and hold over for second reading and adoption.

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

9. Ordinance No 2968 - First Reading - Amendment to Ordinance No 2449 - Mullinax Ford PD & Master Plan
Owner: Mullinax Ford of Central Florida, Inc.
Applicant: Florida Engineering Group. c/o Greg Crawford, P.E., P.S.M.
Location: North of State Road 436 and east of Roger Williams Road
Tract Size: 21.51 +/- acres
Project Manager: James Hitt & Jean Sanchez

Jean Sanchez, Planning Department, said this is a request to approve the amendment to Ordinance No. 2449, Mullinax Ford PUD and Master Plan. She said the property is located the first reading of Ordinance No. 2964. She said this is the property is located north of State Road 436 and east of Roger Williams Road. She said it currently has a FLU designation of commercial and said the original PUD Master Plan was adopted on January 2, 2003 through Ordinance No. 1552, allowing automotive sales and associated uses. She said on September 16, 2015, City Council adopted Ordinance No. 2449, establishing the Mullinax Ford Planned Development (PD) and accompanying Master Plan, including the phasing. She said the applicant is requesting to amend Ordinance No. 2449 to add the following on the existing PD boundary: 45' maximum building height; 2,150 square feet of office; 1,626 square feet for car wash use; 106,288 square feet of storage, parts, service and parking; 47 new customer parking spaces; 90 new vehicle storage parking spaces. She said any items not addressed in the PD shall comply with the standards of the Land Development Code. She provided a graphic with the architectural renderings. She said the DRC and Planning Commission both recommend approval.

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

Commissioner Nesta asked if this is going to be a two story building. He said he's pretty excited about this.

Commissioner Velazquez recognized Steve from Mullinax to provide his sign/graphic presentation

Steve Francis, Mullinax Ford of Central Florida, said he'd like to discuss their proposal relative to the banners that you see on this illustration. He brought an enlargement to provide a sense of scale. He said the building that's on the property will be planned and built 417 from the road. He said earlier this year, we discussed the ability to provide some lifestyle graphics on the building with Jim and the team which you can see on the illustration. He said when we discussed this with our Attorney, he asked if they were considered signs as they fall under the definition of signs. He said it was brought up by City Council that they were considered signs but we do not consider these signs, rather, we consider them architectural graphics on the building. He said as a part of the City Code (4.2.3) says the architecture of the building must incorporate articulation to avoid monotones blank walls. He said this building that we're building for our customers is 345' long and would look very austere inside our complex that we have for the dealership. He said the idea is to break up the building and provide something of a graphic design to have the customers on the facility be able to come in to our service department. He said several of the images proposed are simply natural settings designed as an architectural embellishment and soften the appearance of the typical service department. He said City Council, we understand, has the authority to authorize the image, even if displaying them would be considered a sign based upon the Section 5-10-6 of the City's LDC. He said the images are over 417' from SR 436 and said some of the images are not likely to be visible from SR 436, given the distance and the landscaping on the site. He said the images are not intended to distract the attention of drivers or pedestrians on SR 436. He said Mullinax has offered to prohibit pricing on any of these architectural graphics or any verbiage from being on them and said we anticipate refreshing and reviving the images no more frequently than semi-annually and are willing to pay a nominal review fee for each time we request to change the images. He said he's requesting these conceptually today. He said in between today and the next meeting, we can work out some verbiage with the City that will be acceptable to the City Council. He said as you all know, we've been a part of the community now for 35 years.

Commissioner Nesta asked if what we're approving today is not for signage, in any capacity, is that correct?

Mr. Francis said the intent is for us to have the capacity to build the facility, predicated on the amendment to the PUD.

Commissioner Nesta said that's not in our packet so what you're asking is for a pre-approval down the road.

Jim Hitt said the original application had the signage in there and said it's noted for these three boards. He said when Michael looked at it, he felt that it met the definition of signs in our LDC and said we were hesitant to include that as a part of this original approval for the site itself. He said as Steve mentioned, we can work out some language that you'll be comfortable with to include in the adoption of the PD, if that's the case.

Commissioner Velazquez asked if these were presented to the Planning Commission and asked if anyone had an issue to which Jim stated no.

Michael Rodriguez stated that the language that was provided by the applicant was that they concluded that these are not signs. He stated that he cannot advise this Council that that item is not a sign as it meets the definition of a sign in our Code. He said as a sign, it does not meet the dimensional requirements of the Code. He said if we go down that route, we now are looking at regulating the content of a sign, whereas our regulations are strictly dimensional. He said whether it conveys a verbal or non-verbal message is irrelevant. He said what can be brought forward would be that these may be able to fall under certain design requirements or guidelines as it relates to the PD and within the parameters of the PD, this can be further defined as such. He said we can review the language in the PD to state that this type of an architectural embellishment is solely limited to this PD or whether this Council wants to take advantage of re-examining the City Sign Code to allow these types of items.

Commissioner Nesta said his preference is to let them move forward now and have that discussion about signage. He said one thing about this is we did just send a Church to Code Enforcement hearing because of this so we need some balance on that.

Commissioner Smith asked where this will be built on the property.

Mr. Francis said this will be in between our existing service facility and our Fleet Care building in the rear of the property. He said it's 417.

Commissioner Bankson said he's open to this and thinks it's an architectural embellishment and is artistic.

Commissioner Velazquez said we should look at revisions to the sign code as the City is growing. She said she believes in public art and said having businesses be able to have some type of art form on their building is attractive and encourages foot traffic.

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. 2968 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. 2968 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.

10. Ordinance No 2969 - First Reading - Annexation - Tyler Crusades
Owner: Tyler Crusades, Inc.
Applicant: GAI Consultants, Inc. c/o Andrew McCown, AICP
Location: North and east of U.S. 441, east of Apopka Airport Road and west of Hermit Smith Road
Tract Size: 40.14 +/- acre(s)

Project Manager: Jean Sanchez

Jean Sanchez, Planning Department, said this is a request to accept Ordinance No. 2969, the annexation of the Tyler Crusades, Inc. properties. She said the total size of the property is approximately 40.14 acres and is located north and east of U.S. 441 and is east of Apopka Airport Road and west of Hermit Smith Road. She said this abuts Apopka jurisdiction in all boundaries. She said the recommended motion is to accept Ordinance No. 2969 and hold over for second reading and adoption.

a. **Mayor Nelson** asked if there were any questions for Jean or 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 approve Ordinance No. 2969 at First Reading and hold over for Second Reading and adoption.
c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve Ordinance No. 2969 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.

11. Resolution No. 2022-46 - FY22/23 Budget Amendment
Presented by: Edward Bass

Edward Bass said this is Resolution No. 2022-46 and said as you saw earlier in the meeting the pictures of Hurricane Ian, this is a budget amendment to use $1,000,000 of the reserves and said we'll move it over to the grant fund so we can monitor it and match everything up with FEMA. He said we have some first estimates that have come through today of about $750,000 and said this may not be enough and will likely need additional funding but this will get us started so that we can pay these bills.

a. **Mayor Nelson** asked if there were any questions for Edward or 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 approve Resolution No. 2022-46.
c. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve Resolution No. 2022-46.
d. **Motion carried unanimously,** with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Nesta said he enjoyed National Night Out last night was great and he thanked Silver Oaks for hosting and being quick to adapt to what we needed there. He said we had the Saturday Sounds on Saturday night but cancelled the 5-K run that morning and some folks were a little upset about that. He also clarified a comment he made last meeting in that the Transportation Department here does coordinate with Orange County often and work together as well as Commissioner Christine Moore and said there is a lot of communication there.

Commissioner Smith said he wasn't able to get over to Silver Oaks last night and said we had a National Night Out in crime at the Renewal Missionary Baptist Church over in South Apopka and said he was there and said we had a great turn out and said the Mayor came by and paid a visit as did our Deputy Chief Miller., He gave a shout out to our Orange County Sheriff's Department who also participated. He said this month is Breast Cancer Awareness Month and said he sees the Mayor has on his bright pink jacket and said he needs to get one of those. He said we need to take a look at our homeless situation as it seems like the population is increasing, possibly due to loss of habitat.

Commissioner Bankson said he wanted to follow up on the Clear Lake issue and said just for everyone's knowledge, when we have public comment, we're not allowed to respond to that and said he did not neglect his elderly parents. He said his father is remarried and his new wife is actually a year younger than he is but said we do check on them quite frequently. He said he did get to go out there and said he spent some time with the Griffiths. He said in trying to research this and said his assumption is that when they redid the road back in the 70's and said at that point, what used to be the drainage was covered up. He said there are a couple of possibilities and he's turned these over to staff.

Commissioner Velazquez said Saturday Sounds went off without a hitch and said we had the Garth Brooks tribute band. She said Saturday Sounds went off literally minutes before we may have had to call it as we got power back around 4:30 p.m. He said the reason for the cancellation of the 5-K was due to no power. She said she hopes the next Saturday Sounds we can engage our residents and visitors better as to the status. She said it was a very nice turn out and said last night at Silver Oaks was very nice.

CITY ADMINISTRATOR REPORT – No report

CITY ATTORNEY'S REPORT

Michael Rodriguez said he'll start off by reading the heading that's in the agenda and will then provide the instructions:

1. Closed Litigation Executive Session. Pursuant to Sec. 286.011(8), Fla. Stat., the City Council, City Administrator, and City Attorney will hold a closed litigation executive session to discuss the litigation captioned Southwick Commons, Ltd. vs. City of Apopka,

Case No.: 2022-CA-005470-O. The discussion shall be confined to settlement negotiations or strategy sessions relating to litigation. The following individuals will attend the Executive Session: Mayor Bryan Nelson, Commissioner Doug Bankston, Commissioner Diane Velazquez, Commissioner Alexander Smith, Commissioner Nick Nesta, City Administrator Edward Bass, City Attorney Michael A. Rodriguez, and a court reporter. All others will be required to leave the Council Chambers during the pendency of the executive session. A Court Reporter will be present to record the session and the transcript shall be made part of the public record upon conclusion of the litigation.

RECESS OF MEETING

<u>COUNCIL ENTERED INTO EXECUTIVE SESSION</u>

RECONVENE MEETING

Mayor Nelson called the meeting back to order at 4:17 p.m.

MAYOR'S REPORT

1. National Night Out Recap

Mayor Nelson said we're back after our closed legal session and said everyone has mentioned the National Night Out and he thanked the Police and Fire Departments for a successful event. He said the kids had a great time and learned a little bit and said we had the Mobility folks out there to give safety tips. He said as it's October and is Breast Cancer Awareness Month, we'll have the lights on at City Hall, and Martins Pond lit up in pink on Friday, Saturday and Sunday. He thanked everyone for hanging out for the past hour and 10 minutes. He said lastly, he wanted to talk about City Serve and said we have the property there on Lust Road and said we have some folks talk about the graffiti on the building (the old pre-cooler). He said Todd Lamphere from City Serves called him a couple days ago and said they're looking for some additional storage. He said we have the big storage building and said although it's not in great shape, the roof needs help, it needs caulk, lighting fixtures, bathroom needs work but said they'd like to enter into an agreement with the City to rent that facility for $1 per year. He said that would not only help our community, but it would help Southwest Florida by allowing City Serves the ability to use the additional storage. He said they want to sign an agreement tomorrow on this and said this will be a Triple-Net Lease and said they will be in charge of the maintenance on the building once we get this going.

Commissioner Velazquez said Pastor Todd has been so inspirational and said the causes that he's championed, and helped not just residents of Apopka but all of Florida has been amazing and if you're choosing this building, and it will be useful for you and the community.

Commissioner Smith said he's an agent of City Serves and said he wanted to put that on the record and as Commissioner Velazquez said Pastor Todd not only travels throughout Florida but nationwide as well. He said you have our vote on this.

Commissioner Bankson said this is tremendous for all of those reasons and more and said this helps us with a situation that we want to rectify as well. He said this is an international outreach.

Mayor Nelson said he wanted to let everyone know was have a dedicated staff in Public Services; Parks and Rec and EOC with Police and Fire and said our team did ourselves proud.

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