

CITY OF APOPKA MINUTES

Minutes of the City Council Meeting held on September 7, 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

Teresa Sargent, The Apopka Chief

INVOCATION & PLEDGE OF ALLEGIANCE:

Commissioner Smith provided the Invocation and led in the Pledge of Allegiance. He then provided the fact of the day, as follows: On September 6, 1930 the first Publix store opened in Winter Haven, Florida by George Jenkins. Jenkins went on to open several stores throughout Florida. Eventually the chain of grocery stores grew and as of today, there are 831 stores in Florida and 1,239 stores throughout the Southeast. Jenkins introduced a modern grocery store with air conditioning, terrazzo floors, and automatic doors. He also introduced the concept of employee ownership in the grocery business.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of August 3, 2022.
2. Regular Council Meeting Minutes of August 17, 2022.
 - a. **Mayor Nelson** asked if anyone had any changes or questions on the minutes. Hearing none, he asked for a Motion to approve the two sets of meeting minutes.
 - b. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve the two sets of meeting minutes.
 - c. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

PRESENTATION

1. Early Learning Coalition of Orange County
Presented by: Dr. Scott Fritz
2. Water, Wastewater, and Reclaimed Water Utility Rate and Impact Fee Study
Presented by: Henry Thomas and Shawn Ocasio with Raftelis

AGENDA REVIEW

Edward Bass stated there were no changes to the Agenda.

PUBLIC COMMENT PERIOD

Dennis New, 105 W. Magnolia Street, Apopka, FL 32703, said during the last meeting Commissioner Nesta said something about the commercial laundry they built out there and said the Mayor said all of the previous fire chiefs, all good men, thought the commercial laundry was okay as it had a commercial smoke evacuation system and a commercial fire suppression system with sprinklers. He said he has 35 years in the fire service and 12 years teaching at the fire academy and said he has fought 2 commercial laundry fires and said they're time consuming and dangerous without proper staffing.

CONSENT (Action Item)

1. Release of Code Enforcement Lien - 1809 Iriquois Drive, Apopka, FL
2. Approve the Ridge Planned Development – School Concurrency Mitigation Agreement and authorize the Mayor to sign the Agreement.
3. Authorize the City Administrator to execute a lease agreement renewal with the Aunt Gingibread Bakery, LLC.
4. Authorize the City Administrator to execute two lease agreement renewals with the Omega Church Broadcasting Network Radio Station.
5. Authorize the Police Department to accept the BJA Grant to purchase a kinetic breaching tool and two ballistic shields.
6. Approve the Windrose – Plat
7. Authorize the execution of piggyback contracts for fiscal year 2022.
8. Authorize the issuance of evaluated and sole source memos.
 - a. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.
 - b. Hearing no other questions, he asked for a motion to approve the 8 items on Consent.
 - c. Motion by Commissioner Nesta and seconded by **Commissioner Smith** to approve the **eight** items on Consent. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

1. Laurel Oaks - Major Development Plan
Owner(s): Diane Reid-Goolsby, Debra Reid Wilbarger, Diane Donohoe and Dwana McClure
Location: East of SR 429, west of Plymouth Sorrento Road and south of Kelly Park Road
Project: 41.2 +/- acres; 121 Single Family Residences
Proposed Density: 2.93 dwelling units per acre
Project Manager: Jean Sanchez

Jean Sanchez, Planner **II, said**

- a. **Mayor Nelson** asked if anyone had any questions about this item.
 - b. Hearing no other questions, he asked for a motion to approve Major Development Plan for Laurel Oaks
 - c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve the Major Development Plan for Laurel Oaks. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
2. 451 Commerce Park – Transportation Impact Fee Credit Agreement
Project Manager: Pam Richmond

Pam Richmond, Transportation **Coordinator, said,**

- a. **Mayor Nelson** asked if anyone had any questions about this item.
- b. Hearing no other questions, he asked for a motion to approve the Transportation Impact Fee Credit Agreement for 451 Commerce Park.
- c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Smith** to approve the Major Development Plan for 451 Commerce Park. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2935 – First Reading – Future Land Use Amendment – Wingspan/ABC Kelly Park
Owner(s): PM S-1 REO LLC, Harvey Godwin, Sapp Rodney D Life Estate Rem: Sandra D Sapp
Applicant: Poulos and Bennette c/o R. Lance Bennett, P.E
Proposed Future Land Use: Mixed-Use
Location: North of Kelly Park Road, east of Plymouth Sorrento Road and west of Foliage Way
Project: 21.36 +/- acres
Project Manager: Jean Sanchez
 - a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2935 at first reading and hold over for second reading and adoption.
 - b. Motion by **Commissioner Nesta** and seconded by **Commissioner Bankson** to approve Ordinance No. 2935 at first reading and hold over for a second reading and adoption. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
2. Ordinance No. 2936 – First Reading – Change of Zoning – Wingspan/ABC Kelly Park
Owner(s): PM S-1 REO LLC, Harvey Godwin, Sapp Rodney D Life Estate Rem: Sandra D Sapp

Applicant: Poulos and Bennett c/o R. Lance Bennett, P.E

Proposed Zoning: KPI-MU (Kelly Park Interchange – Mixed-Use) and Assignment of Village Center

Location: North of Kelly Park Road, east of Plymouth Sorrento Road and west of Foliage Way

Project: 21.36 +/- acres

Project Manager: Jean Sanchez

- a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2936 at first reading and hold over for second reading and adoption.
 - b. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve Ordinance No. 2936 at first reading and hold over for a second reading and adoption. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
3. Ordinance No. 2942– First Reading – Future Land Use Amendment – Ponkan Pines Property
Owner(s): Roseville Farms, LLC and Roseville Farms, LC
Applicant: Daly Design Group c/o Thomas Daly
Proposed Future Land Use: Residential Very Low Suburban (0-2 dwelling units per acre)
Location: Northeast corner of Ponkan Road and Ponkan Pines Road
Project: 31.5 +/- acres
Project Manager: Jean Sanchez
 - a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2942 at first reading and hold over for second reading and adoption.
 - b. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve Ordinance No. 2942 at first reading and hold over for a second reading and adoption. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
4. Ordinance No. 2943– First Reading – Change of Zoning – Ponkan Pines Property
Owner(s): Roseville Farms, LLC and Roseville Farms, LC
Applicant: Daly Design Group c/o Thomas Daly
Proposed Zoning: RSF-1B (Residential Single Family - Large Lot) District
Location: Northeast corner of Ponkan Road and Ponkan Pines Road
Project: 31.5 +/- acres
Project Manager: Jean Sanchez
 - a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2435 at first reading and hold over for second reading and adoption.

- b. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve Ordinance No. 2943 at first reading and hold over for a second reading and adoption. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
- 5. Ordinance No. 2945 – First Reading – Future Land Use Amendment – Kelly Park South
Owner(s): Kelly Park Road Ventures, LLC, Kelly Park Land Investments, LLC 50% Int, Harriskp, LLC 50% Int.
Applicant: Poulos and Bennett, LLC c/o R. Lance Bennett, P.E
Proposed Future Land Use: Mixed-Use
Location: 4303 and 4405 West Kelly Park Road
Project: 45.93 +/- acres
Project Manager: Jean Sanchez
 - a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2945 at first reading and hold over for second reading and adoption.
 - b. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to approve Ordinance No. 2945 at first reading and hold over for a second reading and adoption. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
- 6. Ordinance No. 2946 – First Reading – Change of Zoning – Kelly Park South
Owner(s): Kelly Park Road Ventures, LLC, Kelly Park Land Investments, LLC 50% Int, Harriskp, LLC 50% Int.
Applicant: Poulos and Bennett, LLC c/o R. Lance Bennett, P.E
Location: 4303 and 4405 West Kelly Park Road
Project: 45.93 +/- acres; 95 Single Family Residences, 350 Multi-Family Units and Commercial Uses
Proposed Density: 9.69 dwelling units per acre
Project Manager: Jean Sanchez
 - a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2946 at first reading and hold over for second reading and adoption.
 - b. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve Ordinance No. 2946 at first reading and hold over for a second reading and adoption. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

7. Ordinance No. 2951– First Reading – Future Land Use Amendment – 722 South Central Avenue

Owners: Marian B White and Felecca Denise Aiken

Applicant: Beckwood Management Group, Inc. c/o Rogers Beckett

Proposed Future Land Use: Residential Low (0-5 dwelling units per acre)

Location: 722 South Central Avenue

Project: 0.34 +/- acres

Project Manager: Jean Sanchez

- a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2951 at first reading and hold over for second reading and adoption.
- b. Motion by **Commissioner Smith** and seconded by **Commissioner Nesta** to approve Ordinance No. 2951 at first reading and hold over for a second reading and adoption.
Motion carried unanimously, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

8. Ordinance No. 2952 – First Reading – Future Land Use Amendment – Citrus Ridge Property

Owner(s): Citrus Ridge Real Estate, LLC c/o Jose Cantero

Applicant: Citrus Ridge Real Estate, LLC c/o Jose Cantero

Proposed Future Land Use: AG (Agriculture) District

Location: West of Binion Road and North of Clear Lake Estates Residential Subdivision

Project: 19.11 +/- acres

Project Manager: Jean Sanchez

- a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2952 at first reading and hold over for second reading and adoption.
- b. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve Ordinance No. 2952 at first reading and hold over for a second reading and adoption.
Motion carried unanimously, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

9. Ordinance No. 2953 – First Reading – Change of Zoning – Citrus Ridge Property

Owner(s): Citrus Ridge Real Estate, LLC c/o Jose Cantero

Applicant: Citrus Ridge Real Estate, LLC c/o Jose Cantero

Location: West of Binion Road and North of Clear Lake Estates Residential Subdivision

Project: 19.11 +/- acres

Project Manager: Jean Sanchez

- a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2953 at first reading and hold over for second reading and adoption.
- b. Motion by **Commissioner Smith** and seconded by **Commissioner Velazquez** to approve Ordinance No. 2953 at first reading and hold over for a second reading and adoption. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

10. Ordinance No. 2956 - First Reading - Annexation - Mid-Florida South

Owner(s): Simpson D Wayne 50% Int, Simpson Susie F 50% Int, Laxmi Land Investment, LLC and Sessions Plymouth, LLC

Applicant: ARCO National Construction c/o Trenton Squiers

Location: Southwest corner of Peterson Road and SR 429

Project: 54.05 +/- acres

Project Manager: Jean Sanchez

- a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2956 at first reading and hold over for second reading and adoption.
- b. Motion by **Commissioner Smith** and seconded by **Commissioner Bankson** to approve Ordinance No. 2956 at first reading and hold over for a second reading and adoption. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

11. Ordinance No. 2959 – First Reading – Authorize Land Development Fees by Resolution

Presented by: Pam Richmond and Jean Sanchez

- a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2959 at first reading and hold over for second reading and adoption.
- b. Motion by **Commissioner Bankson** and seconded by **Commissioner Velazquez** to approve Ordinance No. 2959 at first reading and hold over for a second reading and adoption. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

12. Resolution No. 2022-35 Establishing the current rates for services provided for water, wastewater and reclaimed water effective October 1, 2022.

Presented by: Eusie Watson and Gladymir Ortega

Gladymir Ortega provided a summary of Resolution No. 2022-35, which establishes the new rates for services provided for water, wastewater and reclaimed water. She said the new rates will take effect on October 1, 2022.

- a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-35.
- b. Motion by **Commissioner Bankson** and seconded by **Commissioner Velazquez** to approve Resolution No. 2022-35. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

13. Resolution No. 2022-40 – Establishing the sanitation rate increase effective October 1, 2022.

Presented by: Josh Robinson

Josh Rodriguez provided a summary of Resolution No. 2022-40, which establishes the sanitation rate increase and said the new rates will take effect on October 1, 2022.

- a. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-40.
- b. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve Resolution No. 2022-40. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

14. Resolution No. 2022-41 - FY 21/22 Budget Amendment

Presented by: Gladymir Ortega

Gladymir Ortega provided an overview of the Budget Amendments requested under Resolution No. 2022-41.

- a. **Mayor Nelson** asked if there were any questions on this item.
- b. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-41.
- c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Bankson** to approve Resolution No. 2022-41. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

15. Resolution Number 2022-42 establishing the City of Apopka, General Fund Balance and Reserve Policy

Presented by: Gladymir Ortega

Gladymir Ortega provided an overview of the Budget Amendments requested under Resolution No. 2022-42.

- a. **Mayor Nelson** asked if there were any questions on this item.
- b. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2022-42.
- c. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve Resolution No. 2022-42. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

CITY COUNCIL REPORTS

CITY ADMINISTRATOR'S REPORT

1. Financial Update

Edward Bass provided a financial update

CITY ATTORNEY'S REPORT

Michael Rodriguez provided the issues relating to the possible adoption of noise ordinance for the City of Apopka.

MAYOR'S REPORT

1. September 11th events
2. Hispanic Heritage Celebration event

at 5:40 a.m. on Wednesday.

Adjournment

The being no further business the meeting adjourned at 3:34 PM .

Bryan Nelson, Mayor

Attest: _____

Susan M. Bone, City Clerk