CITY OF APOPKA

Minutes of the City Council regular meeting held on August 4, 2021 at 1:30 p.m., in the City of Apopka Council Chambers.

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

ABSENT: Commissioner Doug Bankson

PRESS PRESENT: John Peery, The Apopka Chief

INVOCATION – Commissioner Smith provided the Invocation; led in the Pledge of Allegiance and provided the Fact of the Day as follows: On August 10, 1846, President Polk signed the Smithsonian Institution Act into law. For nearly a decade prior, the US government debated the best way to spend a benefaction left by an English scientist, James Smithson. He died in 1829 with an unusual will that dictated if his only nephew died without any heirs, the whole of his estate was to go to the United States of American to found a Smithsonian Institution for the increase and diffusion of knowledge in Washington DC. In 1835 his nephew died without any heirs and in 1836 Congress authorized acceptance of Smithson's gift. In 1838, Smithson's gold as well as his mineral collection, library, scientific notes and personal effects were shipped to the US. Congress agreed to the creation of a museum, a library, and a program of research. Today, the Smithsonian is composed of eleven museums and galleries on the National Mall plus six other museums and the National Zoo in the greater National Capital Area as well as two museums in NYC.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of July 7, 2021 & July 21, 2021.

   Mayor Nelson asked if anyone had any questions on the minutes. Hearing none, he asked for a motion to approve Regular Council Meeting Minutes of July 7, 2021 & July 21, 2021.

   MOTION by Commissioner Velazquez and seconded by Commissioner Becker, to approve the Regular Council Meeting Minutes of July 7, 2021 & July 21, 2021. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

PRESENTATIONS

1. Asset Management Software

Presented by: Mike Suver, GIS Analyst

Mike Suver, GIS Analyst, said this software has been a few years in the making and we're looking forward to getting this started and to being able to provide you with the information you need to make the best decisions that you can for budgeting. He said the purpose of the asset management system is to provide insight so that we can paint the picture of what we need to get the job done and provide the information in a way that makes sense. He said Dude Solutions has 21 years of implementing asset management systems and provide a complete GIS Asset Management package which means that all of the assets are tied to a locational space. He said they have an actual geographical location and all of the records associated with those assets are tied into that geographic location. He said Public Services has gone through at least 2 years of comparing differing packages and said Dude Solutions was chosen by all the division managers through multiple rounds of demos. He said they offer the best value for what we're getting and what we need. He said we're starting with 3 modules to begin with and said the main one is Asset Essentials which is tracking all of our assets and listing the condition and listing the cost of the asset. He said the other modules are Capital Predictor and said after the data of our assets has been entered, it uses analytical processes to provide a certain funding level or budget projections. He provided the overall cost of the package and introduced the Council to the Dude Solutions team including: Dan Arant; Luke Anderson and Malcolm Meath who provided an overview of each of the modules in the software package including the Asset Essential module, the Capital Predictor and the Energy module.

Commissioner Smith asked how often these reports will be generated and Luke stated they're user defined so you can generate them weekly, monthly, quarterly or as needed. Commissioner Smith inquired as to whether this is an automatic renewal or what is the period of the contract past the initial 13 months. Dan stated that you can renew it but if you decide not to renew it, we give you your data back but you no longer have access to the software. He said it is their hope that you'll be excited to renew the software.

Commissioner Becker asked what the maturity curve on the data that comes as part of the predictor knowing that you're getting all of this data into a data base. Dan said you guys are doing the roads assessment now and typically if you were to finish the assessment today and we turn on the software tomorrow, we would be at an 80-85% confidence level. He said after about 1 year or 2 years, when the maintenance crews are on the roads, we'll take that data and change our degradation a little and adjust it to where our confidence level gets closer to 95-99%. He said typically, within the first year, we'll do that second aeration and it'll start climbing to a higher level of accuracy.

AGENDA REVIEW

Edward Bass advised that there were no changes to the Agenda, however, there are two items that the applicant has asked to be continued.

Mayor Nelson said Ordinance No's 2853 and 2854 will be continued to a date certain and said he'll review when we get to those items.

Michael said there was an item that was advertised for today, which was the Ridge CDD however, it did not get placed on the Agenda and will go forward on August 18th and then on September 8th.

PUBLIC COMMENT PERIOD

David Hoffman, Tayside Court, Apopka, FL 32712, said apparently the land swap deal proposed a solution to the Rock Springs Ridge Golf Course land use crisis, which was 12 long years in the making is at an impasse stage. He said it is therefore time to take measure of where we are in our community. He said not enough questions have been answered by the HOA Board or Apopka City Officials to buy in to the land swap solution. He said one compelling issue is the governance which is the merits of the HOA framework, currently in places, vs. the Recreational District Board model. He said we broadly favor the land swap deal and appreciate the fact that you, Mayor Nelson, have forwarded this kind of solution, fraught as it is with complications and questions. He said the key objection is that the price we're being asked to pay is excessive and the land is not worth that price. He said under certain circumstances, he feels it's ok to pay too much and said our community gains with property and ownership are impressive. He said we control our land use destiny through green space which in a state as environmentally and democratically stressed as Florida, is as good as gold. He said his family is all in with the land swap if certain questions can be resolved.

CONSENT (Action Item)

1. Execute Release of Code Enforcement Lien for Gerald T. Stubblefield - 242 Lovell Lane Apopka, Florida 32703.
2. Approve the Legacy Station Two Replat
3. Request approval for the sale of alcohol at the Heart and Soul Festival on September 4, 2021.
4. Authorize the Finance Department to expend funds from the Federal Law Enforcement Trust Fund for Police Department investigative buys and undercover operations.
5. Authorize the issuance of evaluated and sole source memos.

Mayor Nelson asked if anyone needed to pull any of the items or had any questions. Hearing none, he asked for a motion to approve the five (5) items on consent.

MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve the five (5) items on consent. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Approve the Plat for Hamrick Estates (fka Rock Springs Preserve).
   Project Manager: Bobby Howell

   Bobby Howell, Planning Manager, said the applicant is requesting approval of the Plat for Hamrick Estates, which is a 111-lot subdivision, located E. of Pittman Road and W. of Mt. Stirling Avenue. The plat is consistent with the approved lot sizes in the Major Development Plan, Construction Site

Plan, and is consistent with Florida Statute 177. He said the Development Review Committee and the Planning Commission recommends approval.

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 Plat for Hamrick Estates.

MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve the Plat for Hamrick Estates. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

2. Final Development Plan and Plat – Windward Hills
   Owner: Windward Hills, LLC c/o FHC Development
   Applicant: Luke M. Classon, P.E.
   Location: 4145 W. Orange Blossom Trail
   Project: 67.76 +/- acres; 101 single family homes
   Project Manager: Bobby Howell

   Bobby Howell, Planning Manager, said the subject property is located at 4145 W. Orange Blossom Trail and is being processed under the 1993 Land Development Code. He said Development is subject to the standards and conditions set forth in PD Ordinance No. 2508 which was adopted on August 3, 2016 under the 1993 Land Development Code. He said the Final Development and Plat propose the construction of 101 single-family units on 67.76 acres and said minimum lot widths of 70' are provided on the plan. He said access to the subdivision is through N. Orange Blossom Trail and through the adjacent subdivision to the N., which is Chandler Estates. He said two lots totaling 3.41 acres in size are located adjacent to N. Orange Blossom Trail and are reserved for commercial development. He said the plat is included as one of the exhibits.

   Commissioner Becker asked if we heard anything from Chandler Estate residents to which Bobby said he has not. He then asked if there were any tenants for the commercial out front.

   Sofia Sierra-Gil of Appian Engineering, on behalf of the applicant said that as far as she knows, there is no tenant/buyer for the commercial yet, however, there is a buyer for the residential.

   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 Final Development Plan and Plat for Windward Hills.

   MOTION by Commissioner Becker and seconded by Commissioner Velazquez, to approve the Final Development Plan and Plat for Windward Hills. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

3. Major Development Plan – AdventHealth Fudge Road Complex Phases 1 & 2
   Owner: Adventist Health System/Sunbelt Inc.
   Applicant: Donald W. McIntosh Associates, Inc. c/o Cameron Houmann, P.E.
   Location: 4051 Fudge Road
   Project: 53.65 +/- acres

Project Manager: Jean Sanchez

Jean Sanchez, Planner II, said this is a request to approve the AdventHealth Fudge Road Complex Phases 1 & 2 - Major Development Plan. She said the project parcel is located South of U.S. 441 and North of Hogshead Road. She said this MDP proposes the development of warehouse/medical supply distribution facilities. She said Phase 1 comprises of 76,168 square feet of building area for Building 1 and 76,179 square feet for Building 2 on approximately 13.912 acres. She said Phase 2 consists of 303,040 square feet of building area on 25 acres. She said this development will have access along Hogshead Road and said the plan also shows an internal spine road providing access from north to south. She described the landscape plans for both phases and said DRC and Planning Commissioner recommend approval.

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 Advent Health Fudge Road Complex, Phases I & II.

MOTION by Commissioner Velazquez and seconded by Commissioner Becker, approve the Major Development Plan for the Advent Health Fudge Road Complex, Phases I & II. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

4. Major Development Plan – Plymouth Sorrento Assemblage Subdivision
   Owner: Klepzig Family Trust, Klepzig Dennis R Life Estate, Klepzig Joann Life Estate, Min Sum Cho, Hong Sik Kim and Deok Hwa Kim
   Applicant: Pulte Homes Company, LLC c/o Aaron Struckmeyer
   Location: East of SR 429, west of Plymouth Sorrento Road, and south of Joey McGuckin Road
   Project: 50.79 +/- acres; 179 Single Family Residences
   Project Manager: Jean Sanchez

Jean Sanchez, Planner II, said this is a request to approve the Plymouth Sorrento Assemblage Subdivision – Major Development Plan (MDP). She said it's located East of S.R. 429 ; West of Plymouth Sorrento Road and South of Joey McGuckin Road. She said, located in the southern terminus of the KPI Interchange Form-Based Code area, the MDP proposes the development of 179 single-family residences with a mix of minimum lot widths of 34-feet, 40-feet, and 55-feet. She said the lots with 34-feet and 40-feet widths have a minimum living area of 1,300 square feet and 1,500 square feet for lots with 55-feet width. She stated that the Plymouth Sorrento Assemblage Residential Subdivision will have access via a full access driveway on Plymouth Sorrento Road and said the plan also shows a connection to future development on the north, to the planned thoroughfare that will to Kelly Park Road. She further stated that the applicant is dedicating a 30-foot wide strip along Plymouth Sorrento for future right-of-way widening. She said 20% of the site is required to be open space and the plan proposes 11.92 acres of open space, which is 23% of the site. The MDP shows an 8-foot wide multi-purpose trail along Plymouth Sorrento Road and internal to the site, a passive park path with benches along the perimeter of the stormwater pond on the southwest portion of the subdivision, a pool and cabana, a passive park, as well as, a recreational field. She said a 6-foot tall wall within a 10-foot wide landscape buffer is proposed along Plymouth

Sorrento Road that includes shrubs and alternating Bottle Brush and Ligustrum trees. A 25-foot wide landscape buffer on the southern property boundary, consisting of 6-foot tall opaque fence, Live Oaks and Viburnum shrubs is provided.

Commissioner Velazquez asked about the opaque fence to which Jean explained that it can be a vinyl fence, or a wall and this will be determined in the construction site plan submittal.

Commissioner Becker inquired as to the wall and said that would be above and beyond, requirement of the wall to which Jean confirmed that there is no requirement for a wall.

Commissioner Smith asked if this would be a stub out for a road in which Jean confirmed that there will be to the North and said as a part of the Kelly Park Publix construction site plan, they're building a road that will connect to the South connecting to this subdivision.

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 Plymouth Sorrento Assemblage Subdivision.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez, approve the Major Development Plan Plymouth Sorrento Assemblage Subdivision. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

5. Major Development Plan – Orlando Beltway East
   Owner: Orlando Beltway Associates
   Applicant: James Hoffman, P.E., c/o VHB
   Location: West side of Plymouth-Sorrento Road, approximately ¼ mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road
   Project: 56.51 +/- acres; 143 single family & 59 townhomes and a 2.40-acre nonresidential parcel
   Project Manager: Bobby Howell

   Bobby Howell, Planning Manager, said the applicant is requesting approval of a Major Development Plan for property located on the west side of Plymouth-Sorrento Road, approximately one-quarter mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road. He said the Major Development Plan proposes the development of 202 single- family of which 143 are single-family units and 59 are townhome units. He said the MDP also proposes a 2.4-acre non-residential parcel that is reserved for future development subject to the requirements of the Kelly Park Interchange (KPI) - Form-Based Code. He said this is consistent with the approved Master Plan, which was approved by the City Council on October 21, 2020. He stated that the 143 single family units will have a minimum living area of 1,600 square feet and the 59 townhome units will have a minimum living area of 1,200 square feet. There are no minimum and maximum lot size and living area requirements in the Form-Based Code area, which this subdivision is located within. He said access to the site is proposed via Plymouth-Sorrento Road. Proposed amenities include a community swimming pool, internal trail system and a 12-foot wide bike trail along the Plymouth-Sorrento Road frontage. He said right and left turn lanes will be provided at the site entrance.

Commissioner Velazquez said she had a concern with the number of trees being removed to which Bobby stated there will be 3 trees per lot.

Commissioner Becker inquired as to the roadway going to the south will be one of the roads that in 10 years will be heavily used in order to stay off the major arterial roads. He inquired as to the weird alignment to the road north and asked why that doesn't square off.

Jimmy Hoffman, VHB, 225 E. Robinson Street, Orlando, FL , said they are the Engineers and the applicant for the project. He said to answer your question, Mr. Commissioner, that's what we refer to in Engineering as a skew. He said it's generally preferred to align intersections more from a site distance in safety and turning conflicts, so that you're not looking and trying to negotiate your turns out of an intersection and having to look at another intersection, slightly off-center. He said it's substantially in line and said those are stop control accesses to each side. He said from an engineering and a traffic standpoint, that is what we consider a safe condition.

Commissioner Becker asked if they're using stop signs there to which Mr. Hoffman confirmed yes.

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 and Plat for the Orlando Beltway East.

MOTION by Commissioner Becker and seconded by Commissioner Smith, approve the Major Development Plan and Plat for the Orlando Beltway East. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Approve the application submission of a Community Development Block Grant (CDBG). Presented by: Dr. Shakenya Harris-Jackson

   Dr. Shakenya Harris-Jackson, Grant Administrator, said this is our second Public Hearing for the CDBG (CV) grant application. She said we received word from Orange County's entitlement program that the program will start in October and said Phase I will most likely be approved. She said we'll receive additional information in September. She said this is an application to start Phase II and said that of that project, we've identified sidewalks within the CRA that we need to install. She said this application will allow us to do that. We're estimating that the construction will be $550,000.; she said engineering will be $125, 000; Public services will be around $75,000; and administration will be $50,000 so the total project will be $800,000. She said the City does have right-of-way for all of the proposed sidewalks and said the application will be due, in October.

Mayor Nelson said that Dr. Jackson has done a wonderful job and said between the two sidewalk grants and the big home improvement grant, we're close to $2 million dollars on money that's going directly into the CRA for sidewalks and home improvements. He said we tried to first was to identify those streets that have no sidewalks at all and prioritize them first. He said then we looked at the streets where we have a sidewalk on one side of the street but it's not ADA compliant so we're going to put in an ADA compliant sidewalk on the other side of the street. He said we should all see a major difference in how things work.

Dr. Jackson said we received some good news on the work that Jim and I are doing regarding the trail we're putting in behind Alonzo Williams Park. She said we received our commencement certification today so we're clear to start on that grant.

Pastor Jimmy Howard, 1013 S. Central Avenue, Apopka, FL said he has property on the north side of Michael Gladden and said he hopes it doesn't disturb his parking when they work on that as he has a Barber Shop there. He inquired as to how long it will be before they start working on the south side and asked if they're going to put parking spaces in there as well. He said they put the sidewalks on the north side but there's no parking.

Mayor Nelson said this is strictly a grant for a walking sidewalk or the trail. He said everything in this project is within the right-of-way that we own.

Pastor Howard asked if they'll be putting parking in on the south side to which Mayor Nelson stated no, sir.

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 application submission of a Community Development Block Grant (CDBG).

MOTION by Commissioner Smith and seconded by Commissioner Velazquez approve the application submission of a Community Development Block Grant (CDBG). Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

2. Ordinance No. 2861 – Second Reading – Amendment to the Florida Building Code relating to FEMA prerequisites for communities that participate in the Community Rating System (CRS) program.
Presented by: Richard Earp

Mayor Nelson asked if there have been any changes since the first reading to which Richard Earp, City Engineer, 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. 2861.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to adopt Ordinance No. 2861. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

3. Ordinance No. 2862 – First Reading – Amendment to the Land Development Code relating to FEMA prerequisites for communities that participate in the Community Rating System (CRS) program.
   Presented by: Richard Earp

   Richard Earp, City Engineer, said this is a companion Ordinance and said this is the first reading of the changes to the Land Development Code. He said this includes the changes required by FEMA and said Michael helped clean up some of the Ordinance. He said we took floodplain definitions and moved them into the floodplain section. He said there were also some floodplain regulations that were in the stormwater section so we moved those into the floodplain section as well.

   Commissioner Becker said on the prior ordinance, we didn't hear much in terms of public concern however on this one, there've been some concerns verbalized. He asked what spirit of this particular ordinance change.

   Richard Earp said the main things are the accessory structures and the regulations regarding accessory structures and what can be in those structures if they're located within the special flood hazard area. He said there is also criteria where a mobile home needed to be so many feet above the land surface and our Code didn't say it had to be so many feet above the land surface but also 2' above the flood plain elevation. He said those were the main elements and it will bring our Code into accordance with FEMA requirements. He said one of benefits to us in the City is that we will continue to have flood insurance in the City and insureds qualify for a discount.

   Mayor Nelson asked what the discount was for keeping up with FEMA standards.

   Richard said that our Class 8 standing gives us a 10% for the homes that are in the special flood hazard area.

   Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2862 at first reading and hold over for a second reading and adoption.

   MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve Ordinance No. 2862 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith and Velazquez voting aye.

4. Ordinance No. 2824 – Second Reading – Large Scale – Future Land Use Amendment
   From: Residential very low suburban (Max 2 DU/AC)
   To: Industrial (Max 0.6 FAR)
   Owner: Nancy Mann Trust c/o William Blaine

Applicant: William Blaine
Location: 444 Hermit Smith Road - South of Hogshead Road and west of Hermit Smith Road
Project: 78.99 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Bobby Howell advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2824

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2824. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

5. Ordinance No. 2825 – Second Reading - Change of Zoning - Nancy Mann Trust
From: RSF-1A (Residential Single-Family Estate District)
To: I-L (Light Industrial District)
Owner: Nancy Mann Trust c/o William Blaine
Applicant: William Blaine
Location: 444 Hermit Smith Road - South of Hogshead Road and west of Hermit Smith Road
Project: 78.99 +/- acres
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Bobby Howell advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2825.

MOTION by Commissioner Smith, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2825. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye.

6. Ordinance No. 2846 – First Reading – Small Scale – Future Land Use Amendment – Plymouth Harbor, LLC
From: "County" Rural
To: "City" Residential Low Suburban (0-3.5 DU/AC)
Owner/Applicant: Plymouth Harbor, LLC
Location: West of Plymouth Sorrento Road and north of Yothers Road
Project: 4.87 +/- acres; 17 dwelling units max per code
Project Manager: Phil Martinez

Phil Martinez, Planner II, said the applicant is proposing a small scale, future land use amendment from County Rural to Residential Low Suburban for approximately 4.87 acres. He said the subject property is located West of Plymouth Sorrento Road and North of Yothers Road. He said the property is zoned Transitional District and said the applicant has applied for the RSF-1B Zoning

District, which will come before you as the next Agenda item. He said the proposed Residential Low-Suburban Future Land Use is compatible with the proposed RSF-1B District and properties in the surrounding area.

Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2846 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Velazquez, to approve Ordinance No. 2846 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith and Velazquez voting aye.

7. Ordinance No. 2847 – First Reading - Change of Zoning – Plymouth Harbor, LLC
From: T (Transitional) and RSF-1A (Residential Single-Family Estate)
To: RSF-1B (Residential Single Family–Large Lot District)
Owner/Applicant: Plymouth Harbor, LLC
Location: West of Plymouth Sorrento Road and north of Yothers Road
Project: 29.62+/- acres; 103 dwelling units max per code
Project Manager: Phil Martinez

Phil Martinez, Planner II, said the applicant is proposing a rezoning from T-Transitional District and RSF-1A – Residential Single-Family Estate District to RSF-1B – Residential Single-Family Estate District for approximately 29.62 acres. He said the subject property is located West of Plymouth Sorrento Road and North of Yothers Road. He said the proposed RSF-1B zoning is compatible with the existing and proposed residential Low-Suburban future land use designation.

Commissioner Smith asked about the strip that's in between the two parcels and asked if that's been omitted or left out.

Phil said it's our understanding that this is unopened right-of-way and said it's not part of the subject parcels.

Michael Rodriguez, City Attorney, said this is a paper right-of-way which means that there's no road there and is usually reserved for future road use but there is no road there. A representative for the applicant called out from the audience and said it's slated to be abandoned and a vacate application may be coming forward.

Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2847 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve Ordinance No. 2847 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith and Velazquez voting aye.

8. Ordinance No. 2853 – First Reading – Small Scale – Future Land Use Amendment – CHS Management
   From: County Rural
   To: Mixed-Use (Max 2 dwelling units per acre and 1.00 floor area ratio)
   Owner/Applicant: CHS Management Corp.
   Location: North of Ponkan Pines Road and East of Plymouth Sorrento Road
   Project: 8.85 +/- acres; 17 dwelling units max per code and 385,506 non-residential sq. ft
   Project Manager: Phil Martinez

   <u>THE APPLICANT REQUESTED TO POSTPONE THE FIRST READING OF ORDINANCE NO. 2853 TO A DATE CERTAIN OF AUGUST 18, 2021.</u>**

   Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to postpone the First Reading of Ordinance No. 2847 to a date certain of August 18, 2021.

   MOTION by Commissioner Smith and seconded by Commissioner Becker, postpone the First Reading of Ordinance No. 2847 to a date certain of August 18, 2021. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith and Velazquez voting aye.

9. Ordinance No. 2854 – First Reading - Change of Zoning – CHS Management
   From: (T) Transitional
   To: MU-ES-GT (Mixed-Use – East Shore Gateway Subdistrict)
   Owner/Applicant: CHS Management Corp.
   Location: North of Ponkan Pines Road and East of Plymouth Sorrento Road
   Project: 15.82 +/- acres; 31 dwelling units max per code and 689,119 non-residential sq. ft.
   Project Manager: Phil Martinez

   <u>THE APPLICANT REQUESTED TO POSTPONE THE FIRST READING OF THIS ITEM TO A DATE CERTAIN OF AUGUST 18, 2021.</u>**

   Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to postpone the First Reading of Ordinance No. 2854 to a date certain of August 18, 2021.

   MOTION by Commissioner Smith and seconded by Commissioner Becker, postpone the First Reading of Ordinance No. 2854 to a date certain of August 18, 2021. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith and Velazquez voting aye.

10. Ordinance No. 2855 – First Reading – Change of Zoning – 380 Semoran Commerce Place
    From: I-L (Light Industrial District)
    To: C-R (Regional Commercial District)

Owner/Applicant: RAM SBC LLC
Location: North of E. Semoran Blvd and west of Semoran Commerce Place
Project: 1.85 +/- acres
Project Manager: Phil Martinez

Phil Martinez, Planner II, said the applicant is proposing a rezoning from I-L (light industrial) to C-R (Regional Commercial District) for approximately 1.85 acres. He said the subject property is located North of E. Semoran Blvd and West of Semoran Commerce Place. He said the proposed C-R zoning is compatible with the property due to the existing Commercial Future Land Use and C-R zoning being found in the vicinity.

Commissioner Velazquez asked what the difference between a light industrial district and a regional commercial district?

Phil stated that the regional commercial zoning permits commercial uses that are not permitted in the light industrial zoning and gave an example of a barber shop or pet supply store as a permitted use in the regional commercial zoning.

Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2855 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Velazquez and seconded by Commissioner Becker, to approve Ordinance No. 2855 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith and Velazquez voting aye.

11. Ordinance No. 2856 – First Reading – Small Scale – Future Land Use Amendment – Northstar
From: Commercial
To: Industrial (Max 0.6 FAR)
Owner/Applicant: CLPF Cadence Northstar, LLC
Location: North of Ocoee Apopka Road and east of S.R. 451
Project: 8.53 +/- acres
Project Manager: Phil Martinez

Phil Martinez, Planner II, said the applicant is proposing a small-scale future land use amendment from Commercial to Industrial for approximately 8.53 acres. He said the subject area is located North of Ocoee Apopka Road and East of S.R. 451. He said the subject area currently has CC zoning (Community Commercial) and I-L (Light Industrial). The proposed Future Land Use designation is compatible with the surrounding properties located in the vicinity.

Commissioner Smith asked if they're dedicating any right-of-way for the widening of that road.

Jim Hitt stated yes and said they're also working on the signal at the intersection of Marden Road and Ocoee Apopka Road.

Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2856 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve Ordinance No. 2856 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith and Velazquez voting aye.

12. Ordinance No. 2857 – First Reading - Change of Zoning – Northstar
From: C-C (Community Commercial)
To: I-L (Light Industrial)
Owner/Applicant: CLPF Cadence Northstar, LLC
Location: North of Ocoee Apopka Road and east of S.R. 451
Project: 1.67 +/- acres
Project Manager: Phil Martinez

Phil Martinez, Planner II, said the applicant is proposing a rezoning from C-C (Community Commercial) to I-L (Light Industrial) for approximately 1.67 acres. He said the subject property is located North of Ocoee Apopka Road and East of S.R. 451. He said the proposed I-L zoning district is compatible with the surrounding area and is compatible with the previously proposed small-scale future land use amendment.

Commissioner Smith asked if this is the same parcel that we just voted on and asked why we're only changing the zoning for a portion.

Phil explained that the remainder of the parcel has the I-L (light industrial) zoning already so the applicant is asking to bring this portion to match that I-L zoning.

Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2857 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Velazquez, to approve Ordinance No. 2857 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith and Velazquez voting aye.

13. Ordinance No. 2863 – First Reading - Establishing a temporary moratorium on the approval of small box discount stores within the City of Apopka
Presented by: Michael Rodriguez

Michael Rodriquez, City Attorney said this is the Ordinance that was contemplated at the last Council meeting where you directed staff to proceed forward with preparing for a Moratorium in regulating small box discount stores. He said the Moratorium Ordinance being presented today states that the City will cease to consider applications for small box discount stores during this moratorium as staff begins to consider the proper mechanisms and potential regulations and requirements for these stores within the Land Development Code. He said the intent of the moratorium is to exist until January 31, 2022 to allow staff time to consider how to implement such regulations. He said by allowing the moratorium, this will stop any new applications from coming in prior to the development of the LDC regulations.

Commissioner Becker asked if this is for both existing locations and new brick and mortar locations or both.

Michael responded that this is for any applications for such a use will not be considered.

Commissioner Velazquez inquired as to whether this stops any existing applications to which Michael stated that is correct.

Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2863 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve Ordinance No. 2863 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith and Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Becker said by way of his board membership for the Lake Apopka Natural Gas District, we had the American Public Gas Association Conference out in New Mexico last week that he attended with former Commissioner Arrowsmith as well as a few others. He said he'll put something on paper to let everyone know what the industry is doing. He said natural gas in general is under fire these days and said Cities out in California are doing total bans of natural gas consumption, development and use. He said what people don't realize, under the Biden Administration, they're trying to go heavily into the electrification and said that a lot of people don't realize is that a lot of the electricity that's provided is created and generated using Natural Gas. He said it's a clean and reliable fuel and said it was interesting to hear some of the potential legislation that may potentially hit the natural gas market. He said the district itself is in great health.

Commissioner Smith asked Jim Hitt about the mixed-use at the Kelly Park Interchange and inquired as to whether there's any commercial development on the horizon as we're approving all of these housing developments to which Jim stated not yet.

Commissioner Velazquez said it was a busy last two weeks with different events around the City, which she gladly attended and enjoyed supporting them including the event held at the VFW themed the 50's & 60's; the Chamber event that was held at the Hilton Garden Inn and said there are a lot of Chamber events and she's really happy that the Chamber is going out and highlighting our different small businesses. She said a special thank you to Public Services for taking down the tree on Christiana. She said she appreciates that and so does the Community.

CITY ADMINISTRATOR REPORT

1. Financial Update

Edward Bass provided a summary of the sales tax financial report. He said as you can see, for the month of July, it's a little over $914,000 and said if you look back to this time last year, there's a 67% increase over that month. He said as you can see, we've recovered quite a bit from last year to this year. He said he looked at FY19 as well and said in comparison, it's about a 1.5% decrease over FY19 so we're still operating less than we were. He said overall, in the current budget, there's a variance of approximately $600,000 or 6.3% less than we've budgeted. He said we still have a couple of months yet to go so hopefully those will be good months and that number will come closer to our budget number. He said the State has not released the new numbers yet but he hopes that within the next week or so, we'll have those as they're supposed to release them before September.

Commissioner Becker asked if on the actual collections in the budgeted, is this a year to date or is this an overall annual budgeted figure to which Edward responded that is an overall budgeted projection.

CITY ATTORNEY'S REPORT

Michael said he had nothing additional to report.

MAYOR'S REPORT

Mayor Nelson said that Josh Robinson, from Solid Waste put together a couple of slides to show you a proposed 5th Street Sanitation Plan for our 5th Street parking lot. He said we've heard from many people who are excited about the improvements to the parking lot however one of the areas we can improve on are some of the unsightly garbage cans. He said we've had some complaints about flies around the containers and said that Josh came to him and let him know about this new system with semi-buried trash cans that we can install along the parking lot. He said they'd be much less intrusive and are just high enough off the ground so that the forks can pick them up. He showed the slide and explained how this works and said this would keep this area more sanitary and much more aesthetically pleasing. He said the Solid Waste budget can take care of this and said the folks along the 5th Street parking lot will not pay any more for this type of garbage pick- up and said this will add value to this area.

Mayor Nelson said Rock Springs Ridge is an ever-moving target and said he knows the HOA is having a board meeting tonight. He said he's supposed to meet with a couple of the HOA Board members and the golf group folks tomorrow. He said we'll see where this thing goes. He said Michael sent out an email to the HOA who were asking if we would engage in some type of a loan program and said he can assure you as the Mayor and under Counsel from our Attorney, we are not loaning anyone any money, this is a private entity. He said this is up to the Rock Springs Ridge residents and said it's for them to decide whatever they want and we can help facilitate it, but said we are not going to be on the hook for any kind of loan program, bond program and have made that abundantly clear. He said hopefully this will be explained to the residents tonight at the HOA meeting.

Commissioner Velazquez said we've spent the last 3-4 months about this land swap and overnight, there are signs all over RSR that say to sell an HOA parcel for money for the cause. He said at the last Council meeting, she asked the HOA President to send a letter and now he's done a switch. She then asked if we're still doing the land swap to which Mayor Nelson said your guess is as good as mine and said he wished he had a good answer for her. She said she had a discussion with our City Attorney and said it was her understanding that when we have a piece of property that we want to sell, that we don't have to put it out for bid.

Michael said as he said before, there is no statutory requirements for Cities in the disposal of their properties to put items to bid. He said the Attorney General's office has opined that Cities have the discretion to dispose of their property in however mechanism they wish to do so, unlike County's that do have a requirement.

Commissioner Velazquez said she's concerned that the golf group can come in and say they want to buy the two parcels that were assessed for $2.4 million and not be involved with the golf course to which Mayor Nelson stated nothing has been determined. She said her thought is we should take the position that we're no longer in negotiation with them and they don't have a choice. They've already chosen that they're going into a different direction so now Harmon should be off the table and feels it should be put out for bid.

Commissioner Becker said his thought is that we have to follow the same model as the Sandpiper property where we declared Sandpiper as surplus. He said we put it out for bid and when the bids came in, we didn't like any of them because we didn't get the appraised value so we put a for sale sign on the property and that's where we got above appraisal value. He said we should do the same with this property as it could be more valuable than what the appraised value is.

Mayor Nelson said a quick update on Camp Wewa, Lowe's has set a date of September 9 & 10 and said they're going to have a lot of associates out working on Camp Wewa. He said we're excited and we're working out additional details but said we're going to reach out to the schools and try and get some support from the kids that need community service hours. He said as the additional details come in, we'll provide the information.

Mayor Nelson provided a Covid update and said folks, it's bad. He said he'd like to reach out to those who may be hesitant to get the vaccination and encourage them to do so. He said our hospitals a week ago were 3-4 hours waiting to get someone into the ER. He said we've had some employees that were vaccinated but have tested positive for Covid so it is affecting people with vaccinations. He provided a chart that showed the seriousness of unvaccinated vs. the seriousness of vaccinated and said it's very compelling. He said there's a 90% reduction in hospitalization and a 99.9% reduction in deaths for folks who have been vaccinated and urged anyone who hasn't already been vaccinated, to do so.

Mayor Nelson provided a recap of Operation Best Foot Forward and said we had APD out here on 5th Street and Park Avenue at the crosswalk and said we had 5 Citations given and 5 Warning Tickets given. He said tonight, the last of all our crosswalks will have been painted and said they come in at Midnight and paint so Wolf Lake Elementary and Middle Schools crosswalks will be completed tonight. He said with that, school starts on Monday and said to all the drivers out there, please slow down in the crossing zones.

ADJOURNMENT - There being no further business the meeting adjourned at 3:46 p.m.

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Bryan Nelson, Mayor

ATTEST: ______________________________

Susan M. Bone, City Clerk