CITY OF APOPKA

Minutes of the City Council regular meeting held on July 21, 2021 at 7:00 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: John Peery, The Apopka Chief

INVOCATION – Commissioner Smith provided the Invocation and led in the Pledge of Allegiance. He then recited the Fact of the Day as follows**:** On July 21, 2011, NASA's space shuttle program completes its final, and 135th, mission, when the shuttle Atlantis lands at Kennedy Space Center in Florida. During the program's 30-year history, its five orbiters—Columbia, Challenger, Discovery, Atlantis and Endeavour—carried more than 350 people into space and flew more than 500 million miles, and shuttle crews conducted important research, serviced the Hubble Space Telescope and helped in the construction of the International Space Station, among other activities. NASA retired the shuttles to focus on a deep-space exploration program.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of June 7, 2021.

Mayor Nelson asked if anyone had any questions about the minutes. Commissioner Velazquez requested additional content be added to one of the public comments and asked if we can move this to the next meeting to allow time for this.

Mayor Nelson said we will postpone the approval until the next meeting.

AGENDA REVIEW

Edward Bass, City Administrator Edward Bass advised that there were no changes to the Agenda.

PUBLIC COMMENT PERIOD

Gary McSweeney, 1629 Spinfisher Drive, Apopka, FL 32712, and President of the Rock Springs Ridge HOA provided an update Rock Springs Ridge. He said we had a meeting today with the golf group/developer/owner of the golf course lands. He said the HOA and that group put together a declaration of intent. He said this is a 7-point document from a white board and sent forward that outlines our understanding of what our agreement is. He said this been forwarded to the Mayor, where it will be articulated in a more formal way. He said based upon the combined review with the Commissioners, we will react to that and within a short period of time, we'll put together the written documents, which will be prepared by Kurt Ardamon, our Attorney. He said in order to give you confidence that the majority of people in Rock Springs Ridge are for this agreement, they're prepared to rent out the Amphitheater and said we can have you speak and have Kurt Ardamon there to answer any questions. He said we could have tables to sign up so that everything will be a hub of activity.

Mayor Nelson said during the week you won't need to rent it and asked him to be sure to get Susan on board so we can get this published so it will be a Sunshine meeting so that all of the Commissioners can come and weigh in as well. . He said the sooner the better.

Gary said that he feels the residents will be very favorable to this agreement. He said if there are any changes, it is what it is and we're all here to work together. He said this has been a long-time issue with Rock Springs Ridge and with the City and the developer and said the fact that we can come together as a three-way partnership here to make this work is pretty outstanding. He said much of it has to do with the Mayor in that he afforded us the opportunity to voice ourselves to voice even opposition to what is being proposed in an effort to try to and make all parties comfortable. He said this has been a real tribute to Apopka and its leadership.

Commissioner Velazquez asked if all of the residents were sent a letter asking them if they were interested in this. She said it was asked of the HOA during the meetings to send to all of the residents in Rock Springs Ridge, a small questionnaire as to whether they're interested in the purchase. She said she is being contacted by residents that are not on board and said it's likely that the other Commissioners are as well. She said she's assuring them that at some point, the HOA is going to send this letter to each individual household to ask them.

Gary said that we will be doing that over the next two weeks and said we're hopeful to have our meeting at the amphitheater 2 weeks from yesterday. He said we will be putting out information of our collective thoughts on this and said we just put the package together on his today and said prior to today, it's been somewhat in transition. He confirmed that they will make everyone aware of what this agreement is and how it will affect them.

Commissioner Velazquez asked that before you present that to the households, will you ask them if they're interested. She said at previous HOA meetings, it was asked if a letter will be sent to ask people if they're interested to which Gary said we can certainly do that as a part of this process. She said she represents the residents of Rock Springs Ridge and said this will give her the confidence to vote on something to move ahead. She said that's all she's asking.

Mayor Nelson asked Gary to put the list of the items we've talked about today at the bottom and said that way people can vote for both. He said we're not here to mandate what Rock Springs Ridge does and said we're not making the decision. He said we're providing the opportunity to the residents of Rock Springs Ridge to buy it or not and said they have the ability to do what they want to do.

Gary said on April 27th when the Mayor made his presentation and the Commissioners were all on stage with him, he said there was a significant outcry.

Commissioner Becker interjected and said that should not be indicative and said that there could've been people there that were part of the audience in the dissent. He said to Commissioner Velazquez's point, whenever you survey your neighborhood, it needs to be a binary yes or no with facts to support it.

CONSENT (Action Item)

1. Approve and Execute the Purchase and Sale Agreement for Camp Wewa.
2. Execute Release of Code Enforcement Lien for My Three Sons, LLC - 495 Sheeler Avenue Apopka, Florida.
3. Authorize the Mayor to sign the State of Florida transfer form, transferring the mobile command post from the OCSO to the City of Apopka.
4. Authorize the execution of piggyback contracts for fiscal year 2021.
5. Accept the disbursement report for June 2021.
6. Accept the third quarter Budget to Actual Report; beginning April 1, 2021 and ending June 30, 2021.

Mayor Nelson asked if anyone had any questions or needed to pull any of the other items from the Consent Agenda.

Commissioner Becker asked about item #6 and said this isn't just a quarterly report, it looks like it's total year to date.

Edward confirmed that this is year to date and said if you recall, two meetings ago, we provided a quarter report and said you'll get this report monthly and said this is an annual accounting so this is FY to date.

Commissioner Bankson asked to pull item #1 so he can vote on that separately. He said he also wanted to comment on item #3 and said that's tremendous thing for our ability to respond.

Mayor said Orange County Sheriff's office had a really nice command center and asked Chief McKinley to brief us on this.

Chief McKinley said that the Orange County Sheriff's office, using Urban Area Security Initiative Funding in 2004, applied for a mobile command post and received the vehicle and said it's a 2006 Freightliner and said the cost was a little over $1 million dollars at the time. He said it's been kept indoors as they have a great big warehouse facility they keep all their specialty vehicles in and said it hasn't been exposed to the exterior. He said he took Charlie from Fleet and Rob from IT and they went down and looked at it to make sure everything was functioning properly. He said they just took it to Freightliner and had them go through it and fixed a couple of things including hydraulic lines for the slide outs. He said our current command post is small and this gives us about 3 times the space. He said we can use it as a unified command with Police and Fire if needed during a critical incident. He said due to the funding they used, they can't sell it so they put it out to give it away. He said he claimed first right or refusal so we're going to accept it providing you all accept it. He said we've offered Winter Garden our current command post and said there is a little issue with the flooring. He said they're coming to look at this next week and if you all agree, we'll then donate this to the Winter Garden Police Department.

Mayor Nelson asked for a motion to approve item #'s 2-6 on the Consent Agenda.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker to approve item #'s 2-6 on the Consent Agenda. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

Mayor Nelson then asked for a motion to approve item # 1 and execute the Purchase and Sale Agreement for Camp Wewa.

MOTION by Commissioner Smith, and seconded by Commissioner Becker to approve item # 1 and execute the Purchase and Sale Agreement for Camp Wewa. Motion carried 4-1 to approve with Mayor Nelson, and Commissioners Becker, Smith & Velazquez voting aye and Commissioner Bankson voting nay.

MILLAGE RATE (Action Item)

1. Approve and Set the Proposed Fiscal Year 2021-22 Millage Rate.
   Presented by: Edward Bass

   Edward Bass, City Administrator, provided an overview and said as you know, every year, we have to set the proposed millage rate and notify the Property Appraiser so that they can mail the notices out for the Property Taxes for the upcoming FY22 fiscal year. He said it's been a long week, we've had 3 workshops and have been through all of the line items of the departments and heard their requests and needs. He said he'll go through the budget you have before you tonight and will try and go through the lines and try and cover everything we covered in the workshops and significant items that you need to be aware of for your benefit as well as the Public. He said keep in mind, as you look through this budget, it does not include Camp Wewa. He said you have just recently approved the purchase agreement for Camp Wewa so now Camp Wewa will need to be put into this budget. He said keep in mind, as you look through this budget, it does not include Camp Wewa. He said you have just recently approved the purchase agreement for Camp Wewa so now Camp Wewa will need to be put into this budget. He said as you saw tonight in your workshop from the Recreation Department, that is pretty much a break- even scenario. He said what we'll do is adjust this to reflect the increase in revenues and expenses and said the revenues will go up by a little more than $1 million dollars and the expense side will go up by $1 million dollars. He said Camp Wewa will be a separate cost center so we will add a separate line to this budget under Recreation's budget as we're going to keep those expenditures separate. He said that being neutral or break even, it won't have an impact on needing an increase into the revenues at this point. He said as we go through the revenues, he'll show you if we're using any reserves and specific reserves, he'll highlight as well. He said as you recall, we talked about some of the Duke Energy dollars to fund certain projects so I'll point those out as we move forward.

Commissioner Becker asked who was tracking this over the last 3 days as and asked how confident are we that this is the budget. He said he saw the lead in packet and what the staff recommendation is for millage rate.

Edward said that the budgets you received were the original budgets submitted by the departments. He said the Mayor and I went through these budgets with each department and said the presentations they presented to you at the workshops reflect those changes that were updated from the original budget package you have to what you'll see in this packet. He said this packet includes the original numbers that you saw in their presentations. He said he'll point this out to you as you we go along. He said you'll be setting the millage rate tonight and said it's hard to go up but we can go down before we get to September. He said in addition, he wants the public to know that we're also setting our first tentative hearing which will show on their proposed property tax bill. He said there are 2 hearings that will be held after 5:00 p.m. and said that in both of those hearings, the budget will be presented as the State numbers are still not finalized and won't be until August when the Revenue Estimating Council meets.

He said he'll start with the budget calendar that's in your packet and you can see that we're here tonight to set the proposed millage rate and said you'll see the dates of the budget workshops we've just gone through and said we must notify the Property Appraiser of the proposed millage rate by July 30th. He said there are dates included in this calendar in the event that we need to have another workshop. He said the CRA Budget will be brought forward on August 18, 2021 at 6:00 p.m. and said as you know, this is a separate board and separate budget. He said we're anticipating the date to be September 8, 2021 at 5:15 p.m., at City Hall for the First Reading and Public Hearing of the Tentative Budget and said you'll set this date tonight. He said we have to submit an ad to the paper before the next meeting and we'll schedule our Second Reading and Final Public Hearing, which will be the final meeting to adopt the millage rate and the Budget on September 15, 2021.

He said as a reminder, Council approved the meeting change from September 1, 2021 to September 8th, 2021 and this is reflected on our website.

He reviewed the changes to our personnel including proposed new positions, lateral changes and promotions. He said you'll note that under support services for Police, the 10 new officers are not in here as we're waiting to hear about the COPS Grant and said that would be an adjustment we'll need to make to this line. He said as you know their capital and their equipment is already in here. He said, also on Police, you'll see 1 additional support, new employee for the Code Enforcement officer. He said you'll see 2 dispatch positions for dispatch communications and said that as you recall, the Police Chief spoke about adding those and said they're included in this budget. He said Community Development will be adding 2 positions under Building Safety including 1 new inspector and 1 new Permit Clerk. He said Public Services has requested to add 1 Sanitation Equipment Operator and this is included in this budget. He said Facilities Maintenance requested an Electrician and said this is also included in this budget. Parks, Athletics and Events, requested 5 total positions and said 3 have been added into Parks and 2 have been added into Athletic Events. He said overall, you can see that last year, we had 479 approved and authorized positions and we've added 12 new positions in this budget and removed 1 position so we're at a total of 490 total full-time positions in this proposed budget.

Commissioner Bankson asked about the Clerk's office request to move the part-time position to full-time and asked if that in this budget to which Edward said this position is still in the budget as a part-time position.

Edward said this is the schedule that shows the millage rate and said that from FY21-FY22, our tax base went up a little over $397 million dollars and equates to a 10.4% increase in taxable assessed value. He said you can see that last year, our tax base generated almost $15.5 million dollars, based on a millage rate of 4.2876. He said this current budget FY22 is balanced using 4.1876, which is a tenth of a mil reduction and said this budget will generate an additional $1 million dollars from the Municipal Service Tax from the electric, water and gas bills. He said with that millage rate of 4.1876, it will generate an additional $1.2 million dollars over the last fiscal year or about 7.8% increase in property tax revenue. He said the scenarios on the bottom are what it would generate if we were to go to the roll-back rate; if you maintain the same current rate; and; what it would generate with the reduction of the .10 mil. He said the reduction of the .10 mil, would equal a $400,000 reduction to the budget. Edward spoke about the projected General Fund Revenues and said you can see property taxes represent 41.5% of the revenues that come in to fund the General Fund. He said licenses and permits reflect 12%; intergovernmental revenue (sales tax) reflects 19%; charges for services are at 7%; fines and forfeiture are at 1%; miscellaneous revenue is about 2.1%. He said transfer from other funds there is about 13%; transfer from reserves reflects 2.8%. He said 3% of this budget is being balanced with the reserves and said that as you know, we've built those reserves to 32% so this impact on the reserves will still leave the reserves at that 25%.

He said this budget is balanced currently at the millage rate of 4.1876 right at $57 million dollars. He said this is almost a 9% increase over last years fiscal year budget. He said this is one of the biggest increases we've had in the General Fund in a long time.

Edward said when you look at the Expenditures side, you can see that the Public Safety is at 60% and said it hovers around that percentage in just about every jurisdiction and said as you can see, with all of the money that's coming in, it's still maintaining that 60%. He said Community Development is a little over 4.5% of the budget; Recreation is 10% which is common in most jurisdictions; Public Services is a little more than 5%; Debt Service is 4%; Transfer to other funds is 2.4%; Administration is 11.7% and the Finance Department is right at 1.8%. He said on the expenditure side, this is balanced at $57 million dollars and said this budget is currently balanced at the millage rate of 4.1876.

He said another area that's critical to watch is your intergovernmental revenues and said that you can see that your state revenue sharing number is down so these numbers will probably change when the Revenue Estimating Council meets in August. He said the local government ½ cent sales tax is your actual sales tax number that is split with the County in all of the jurisdictions. He said you'll see that this is a little over 2% increase in that number but it's relatively flat and the projection for FY22 is not much of an increase. He said these numbers are subject to change but overall, you have less than 2% increase in your sales tax revenue and said this is a big revenue source. He said over the years, that has been $10 million dollars plus over the years. He said it's important for us to watch this number. He said the fees for the Orange County Services is the contract that we have to provide services to the Orange County Service Area and said there's a 3% increase in here and said this is the ad-velorum revenue that we get from the County to provide the Fire Service to that area and said this number is also dependent on Orange County's tax rate. He said we've added that increase in there for growth however as noted, this can change. He said the items that we went through tonight and that we reviewed in the workshops are the items that are in this budget. He said any items that you add this evening, we would need to balance that so we'll need to take from somewhere else. He said we're setting our millage rate tonight and said keep in mind that we can go down but it's difficult to go up.

Commissioner Becker said the business before us is just the millage rate. He said sometimes the millage gets a lot of focus and said it's at 4.28 right now and said we're the lowest of any full-service City and asked why staff is suggesting a 4.18 millage rate for the sacrifice of $400,000 when after hearing critical needs across the departments after the last few days. He said we talked about going for grants but those aren't guaranteed.

Edward said the water and wastewater you mentioned has nothing to do with the millage rate is an Enterprise Fund and is set based upon the utility rates so when the utility rate study comes to you, it will lay that out and you'll set that utility rate to fund those needs and said that will come at a later date. He said the millage rate is only for the services you see before you tonight.

Commissioner Bankson said if we're coming down the .10 mil to offset what they're going to be paying now through a different tax so they're not paying lower, they'll have to pay the roll-back rate to actually pay the same so it's actually an increase. He said to keep them where they're at, we'd have to go to the roll-back rate and said we have all of this uncertainty and we have to give ourselves that buffer that if there's something missing, and we don't realize it, we don't want to leave ourselves short.

Commissioner Velazquez said that there are so many things we need to fund and said that with the Police Department going for a grant, we don't know if they'll fund 5 officers or the full 10 yet and said if we roll this back from where we currently are, we're going to be back where we always are. She said the level of service will be the same, yet we're still growing and don't have the revenues from the newer developments yet. She said keeping it the same will give us that buffer. Commissioner Smith said he's in favor of leaving the millage rate where it is and if we need to in September, we can roll it back. He said he would like to see the position that the Clerk asked for become a full-time position and said that Fire asked for some additional personnel and said let's look at what we can do for them as well.

Mayor Nelson said he wanted to remind everyone that last March when Covid hit, we were 6 months into our budget and we were able to balance our budget where we lost $3 million dollars in 6 months. He said we have a great team and said we understand how to manage our budget and said we worked hard to put together a budget that will meet the needs of the residents; have a lot of funds available for grant opportunities as they come along and still give our residents a slight decrease in property taxes to offset their Municipal Service Tax increases.

Mayor Nelson then asked for a motion to approve and set the proposed millage rate of 4.2876.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker to approve to and set the proposed millage rate of 4.2876. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

Edward said we need to set the tentative budget hearing date for September 8, 2021 at 5:15 p.m.

Mayor Nelson then asked for a motion to set the tentative budget hearing date for September 8th, 2021 at 5:15 p.m.

MOTION by Commissioner Smith, and seconded by Commissioner Becker to set the tentative budget hearing date for September 8th, 2021 at 5:15 p.m. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

BUSINESS (Action Item)

1. Designate an official voting delegate for the Florida League of Cities annual conference.
   Presented by: Edward Bass

Edward Bass said that every year, the Florida League of Cities has their annual conference and I believe all of you are planning to attend. He said we're required to designate an official voting delegate that will represent the City of Apopka at this conference so we need a motion to elect someone to serve as the delegate.

Commissioner Bankson said he would make a motion to have Commissioner Smith serve as our delegate.

Mayor Nelson said we have a MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to designate Commissioner Alexander Smith as the voting delegate for the Florida League of Cities annual conference. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

2. Major Development Plan – Apopka 429
   Owner: Cypress Business Park, LLC
   Applicant: Kimley-Horn & Associates, c/o Jason A. Lewis
   Location: 4670 W Orange Blossom Trail
   Project: 246.18 +/- acres
   Project Manager: Bobby Howell

   Bobby Howell said the applicant is requesting approval of the Major Development Plan for a parcel located Southwest of US 441 and West of the Apopka Airport. He said the Major Development Plan details the development of infrastructure servicing a proposed industrial warehouse development totaling 2,471,040 square feet on 246.8 acres, He said this major development plan is only for infrastructure and not for the buildings that are depicted on the major development plan. He said the internal roadway is proposed for construction leading from Orange Circle by the airport, up to Wesley Road, and terminating at US 441. He said the intersection is proposed to be a signalized intersection at full project build out and provided a summary of the additional onsite improvements.

   Mayor Nelson asked if anyone else 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 Apopka 429 project.

   MOTION by Commissioner Bankson, and seconded by Commissioner Smith, approve the Major Development Plan for the Apopka 429 project. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2838 – Second Reading - Small Scale – Future Land Use Amendment – Golden Gem Property (-066)
   From: County Rural

To: Mixed-Use
Owner: Carl C. and Donna S. Redder
Applicant: GL Summit Engineering c/o Geoffrey L. Summit, P.E.
Location: Southwest corner of Sadler Road and Golden Gem Road
Project: 1.79 +/- acres; Density: 5 du/acre minimum, 10 du/acre maximum
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading to which Bobby Howell advised there were no changes.

Bobby Howell then provided a brief update as regards to OCPS. He said he spoke with Christopher Mills, the facilities planning manager for OCPS and said he indicated that the school board is looking to do a Workshop for elected officials with regard to capacity and concurrency. He said everyone should have received the information for all of the developments regarding capacity.

Commissioner Becker said we received preliminary data from School Board Member Byrd about a month ago and she had provided a list of all of the current OCPS schools that were over capacity including current enrollment was and their percentage. He said you've provided a list of all of the developments that have capacity reservations from the beginning of this year and said this provided a directional view and he thanked him for this. He said we as a board need to advocate to our school board member to make sure that those funds stay here in Apopka and don't get allocated elsewhere.

Mayor Nelson said Bobby ran some numbers on what we've paid into school impact fees for the last three years and said we'd like to go back to when the last school was built which was Wolf Lake.

Bobby stated the impact fees that were sent from the City to the school board for the years 2019, 2020 & 2021, were $10,944,832.68 and said according to Christopher Mills, the cost for the K-8 was $28,521,195.78.

Mayor Nelson said Bobby will go a little further back to when Wolf Lake Elementary and Middle Schools were being built in order to track where we're at with the money we're sending them. He then asked if anyone had any other questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2838.

MOTION by Commissioner Smith, and seconded by Commissioner Velazquez to adopt Ordinance No. 2838. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

2. Ordinance No. 2839 – Second Reading – Small Scale – Future Land Use Amendment – Golden Gem Property (-085)

From: County Rural
To: Mixed-Use
Owner: Carl C. and Donna S. Redder
Applicant: GL Summit Engineering c/o Geoffrey L. Summit, P.E.
Location: Southwest corner of Sadler Road and Golden Gem Road
Project: 8.62 +/- acres; Density: 5 du/acre minimum, 10 du/acre maximum
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. 2839.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez to adopt Ordinance No. 2839. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

3. Ordinance No. 2840 – Second Reading - Floridian Town Center - Change of Zoning and approval of PD Master Plan
From: Transitional (T)
To: Planned Development (PD)
Owner: Collier Benge Land Joint Venture LLC
Applicant: Andrew McCowan, GAI Consultants, Inc
Location: North of West Orange Blossom Trail and west of S.R. 429
Project: 73.93 +/- acres (0-15 dwelling units per acre, maximum of 0.25 Floor Area Ratio)
Project Manager: Phil Martinez
Postponed to date certain August 18, 2021

Bobby Howell announced that staff and the applicant are requesting to postpone the Second Reading of Ordinance No. 2840 to a date certain of Wednesday, August 18, 2021 in order to allow time to work out issues related to the development agreement.

MOTION by Commissioner Smith and seconded by Commissioner Bankson to adopt Ordinance No. 2840 to a date certain of Wednesday, August 18, 2021 in order to allow additional time to work out issues related to the development agreement. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

4. Ordinance No. 2841 – Second Reading - Change of Zoning, Assignment of KPI neighborhood overlay district and Master Plan – Plymouth Sorrento Assemblage
   From: Transitional (T)
   To: Kelly Park Interchange Mixed Use (KPI-MU) and neighborhood overlay
   Owner: Klepzig Family Trust, Klepzig Dennis R Life Estate, Klepzig Joann Life Estate, Min Sun 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; Density: 5 du/acre maximum; Proposed 3.5 du/ac
   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. 2841.

   MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez to adopt Ordinance No. 2841. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

5. Ordinance No. 2845 – Second Reading - Change of Zoning, Assignment of KPI neighborhood overlay district and Master Plan – Oakview
   From: Agriculture District (AG)
   To: Kelly Park Interchange Mixed Use (KPI-MU) and neighborhood overlay
   Owner: Kent A. Greer and Annie M. Greer
   Applicant: Ben Snyder, Hanover Land Company
   Location: South of W. Kelly Park Road and east of Round Lake Road
   Project: 39.6 +/- acres; Proposed Maximum Density: 2.85 dwelling units per acre, Maximum Density Permitted: 5 dwelling units per acre
   Project Manager: Phil Martinez

   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. 2845.

   MOTION by Commissioner Smith, and seconded by Commissioner Velazquez to adopt Ordinance No. 2845. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

6. Ordinance No. 2848 – Second Reading – Annexation – Roper Property

Owner: Bert E. Roper and Barbara C. Roper Family Limited Liability Partnership
Applicant: JCF Living c/o Tara Tedrow
Location: Located west of SR 429 and north of Hooper Farms Road
Project: 1.53 +/- 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. 2848.

MOTION by Commissioner Smith, and seconded by Commissioner Becker to adopt Ordinance No. 2848. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

7. Ordinance No. 2850 – Second Reading - Small Scale – Future Land Use Amendment – Golden Gem Property
From: County Rural (1 DU/10 AC)
To: Mixed-Use (5-10 DU/AC AND/OR 0.5-0.75 FAR)
Owner: PMDW Ventures, LLC
Applicant: GL Summit Engineering c/o Geoffrey L. Summit, P.E.
Location: Southwest corner of Sadler Road and Golden Gem Road
Project: 9.86 +/- acres; Density 5 du/acre minimum, 10 du/acre maximum
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. 2850.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to adopt Ordinance No. 2850. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

8. Ordinance No. 2852 – Second Reading – Annexation – 1002 S Hawthorne Ave
Owner: City of Apopka
Applicant: City of Apopka, c/o Richard Earp

Location: 1002 S Hawthorne Ave
Project: 0.52 +/- acres
Project Manager: Allyson Williams

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. 2852.

MOTION by Commissioner Smith, and seconded by Commissioner Bankson to adopt Ordinance No. 2852. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

9. Ordinance No. 2858 – Second Reading - Change of Zoning and approval of the PD Master Plan– The Ridge
From: Residential Single-Family Estate (RSF-1A), Community Commercial (C-C) and Mixed- Use East Shore Gateway (MU-ES-GT)
To: Planned Development (PD)
Owners: Troy S. Bronson Family LP; John and Donna Marie Kirkland; Binion Partners, LLC; and Apopka Centerline
Development, LLC
Applicant: VHB c/o John Prowell, P.E.
Location: North of south of Boy Scout Road; west of SR 451
Project: 366 +/- acres; Density: 15 du/ac maximum; 1321 total dwelling units proposed
Project Manager: Jean Sanchez

Mayor Nelson asked if there have been any changes since the first reading.

Bobby Howell said as a point of clarification, on the Master Plan, the minimum unit size for the townhomes is 1,350 square feet and the staff report said he minimum unit size was 1,800 square feet and explained that 1,800 square feet is for the townhome pad itself. He said that is in the master plan as presented at the first reading. He said other than that, there are no changes.

Mayor Nelson asked if any had any questions or if anyone from the public wished to speak on this item.

Dion Ross, 664 Longford Loop, Apopka, FL. He said he's the HOA President for Breckenridge and said that one of his concerns with this project is the major impact that this will cause on our entrance. He said anyone traveling Boy Scout Road knows that at our call box, we only have a 2-car stacking and whenever that delays, we have cars lining up in the street.

Erica Hughes, VHB, 225 E. Robinson, Orlando, FL 32801 spoke on behalf of the applicant and said as a part of their PD Agreement, there will be an extensive transportation improvement plan that we're dedicated to and that includes improvements along Boy Scout Road. She said we've been in contact with Breckenridge and have sent them our plans in order to keep them in the loop and understand the sensitivity to that entrance area.

Rod Olsen, 3156 Rolling Hills Lane, Apopka, FL, commented that this will be an additional 400-500 kids and said when OCPS opened Wolf Lake Elementary and Middle School approximately 15 years ago, there were 46 portables and we still have 46 portables. He said we keep adding and adding. Mayor Nelson asked if anyone else wished to speak and hearing none, he asked for a motion to adopt Ordinance No. 2858.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to adopt Ordinance No. 2858. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

10. Ordinance No. 2860 – Second Reading - Registration of Residential Property subject to foreclosure actions.
    Presented by: Michael Rodriguez

    Mayor Nelson asked if there have been any changes since the first reading to which Michael Rodriguez, City Attorney, 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. 2860.

    MOTION by Commissioner Bankson, and seconded by Commissioner Smith to adopt Ordinance No. 2860. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

11. Ordinance No. 2861 – First 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

    Richard Earp, City Engineer, said this Ordinance reflects the specific requirements from FEMA and the State. He said there will be another ordinance brought forward at the next meeting to request the adoption of changes to the Land Development Code and said those are also required by FEMA.

    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. 2861 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. 2861 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

12. Resolution No. 2021-32 - FY20/21 Budget Amendment
Presented by: Gladymir Ortega
Gladymir Ortega, Finance Director said this Budget Amendment has 4 different amendments. She said the first one includes changes in funding appropriations related to the Duke Energy Public Service Tax revenue. She said this amendment recognizes the revenue received for Duke and assigns expenditure funds for the Recreation Department. The funds will be used for the Amphitheater bathrooms & concession; the Fran Carlton storage building and park improvements. She said the remainder of these funds will be expensed and recognized via future adopted budgets or budget amendments that will be presented to the Council. She said the second budget amendment reflects the changes in funding and appropriations regarding the Airport fuel sales revenue and expenditures. She said the final sale of the Airport is currently pending with First Landing Aviation. She said the third budget amendment is in funding and appropriations related to the SJRWMD, Florida Spring Run program for the Distributed Sewer Retrofit project. She said lastly, the fourth budget amendment is for the funding and appropriations related to the American Rescue Plan for the Coronavirus State and Local fiscal recovery fund. She said the City of Apopka was awarded a total of $7,037,307 to provide resources to meet pandemic responsive needs.

Mayor Nelson asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Resolution No. 2021-32.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve Resolution No. 2021-32. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez said she had nothing further to report.

Commissioner Bankson said it's been a long week and thanked all of his Colleagues and said our hearts are really in this. In addition, he thanked the City and all of our Staff and said over this last couple of years, everyone has worked hard and said he believes we'll come up with something that will be workable for everyone including our taxpaying public as well.

Commissioner Smith said he has a plaque for the Apopka Police Department. He said two weeks ago, the Apopka Police Department provided police protection for a kidney walk that was held at a location on SR 441 and they walked down to Central Avenue. He said the two officers escorted those walkers and was very cooperative and they wanted to show their appreciation.

Commissioner Becker said he had nothing further to report.

CITY ADMINISTRATOR REPORT

Edward Bass said he had nothing further to report.

CITY ATTORNEY'S REPORT

Michael Rodriguez said he has two items as a part of his report. He said the first item is in relation to the subject that was brought up at previous Council meetings which is a desire to regulate what are known as Small Box Discount Stores. He said the Community Development Department as well as the City Attorney's office has begun to do initial research as to the avenues the City has for regulation of this type of use. He said as we move forward to propose changes to the Land Development Code to address this matter, he suggested that the Council make a motion to authorize staff to begin the process. He said in that, authorize staff to bring forward a Moratorium Ordinance. He said Statutorily, what a moratorium ordinance will do is stop applications for such a use for approval for a fixed time. He said we can propose a moratorium of 6 months and said that during that time, there will be no applications for building permits for uses; no applications for site plans; no applications for zoning changes and no applications for land use amendments that will be accepted by the City, while the City conducts a study for the proper regulation of the use. He said the moratorium would take effect upon adoption of said Ordinance.

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 authorize staff to bring forward a Moratorium to allow time to conduct a study for the proper regulation of Small Box Discount Stores.

MOTION by Commissioner Smith, and seconded by Commissioner Velazquez to authorize staff to begin the process and bring forward a Moratorium to allow time to conduct a study for the proper regulation of Small Box Discount Stores. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

Michael Rodriguez said the second item is a summary of the 2021 Florida Legislative Bill Summary, which I've distributed to all of you. He said these are mainly the bills that specifically address issues of concern to or directly impact the City. He said earlier this year, he presented to you a list of bills that we're monitoring and said that not all of those bills were adopted by the Legislature or signed by the Governor. He said the Growth Management Act has been amended and said the threshold for the Small-Scale Comprehensive Plan Amendments is now 50 acres instead of 10 acres. He said there will be fewer Comp Plan Amendments that will go through the dual process of State review and coming back. He said additionally, the State has stepped in and decided to regulate how local governments can adopt their impact fees and said increases to impact fees cannot be increased by more than 25%. He said if the City decides to go between 25% - 50%, there are certain regulations that will take effect. He said one of the other changes to the Growth Management Act is that Planned Development and Development Agreements can be amended without the consent of all property owners. He said the other one that is of concern and he's following as it's currently subject to federal litigation is HB1, which is the Public Disorder Bill. He said while there are the issues that are in the news and are of concern, there is one provision in HB1 that is of concern to the City He said that is that if a property owner suffers property damage during a disturbance, and that property owner believes that the City did not adequately respond to the disturbance, the property owner may file an action against the City. He said what is concerning is that the State has waived the sovereign immunity and therefore, there is no cap on what the City is financially liable to a property owner. He said the bill analysis noted concerns over this issue as well. He said other changes are that legislature has tried to encourage more electronic submission for Permit Applications as well as responses in trying to better streamline the permitting process. He said lastly, in the issue of preemption and erosion of Home Rule, the legislature has now deemed that the regulation of home businesses falls within the purview of the state and local governments cannot do anything to prohibit folks from having home businesses. He said the Statute does provide that the Cities can no longer create a category for home businesses and must treat them the same as regular businesses.

Commissioner Smith asked about the bill that passed in reference to Code Enforcement regarding anonymous calls.

Michael said that yes, the legislature has amended Chapter 162 to now prohibit anonymous complaints of Code Enforcement violations, which means if a violation is reported, the complainant has to leave their name and address.

Commissioner Smith then asked if the Code Enforcement Officer responds to an anonymous complaint, and the person didn't give their name and address, whether the officer has to divulge who reported it.

Michael said the complainant would be required to leave their identifying information in order to create a report.

Commissioner Becker said that if I had witnessed a crime, can I not call the Police Department anonymously and say there's a crime taking place? He said the same generally logic would apply here and said anonymity is protection to the person to ease that fear of retribution against retaliation.

MAYOR'S REPORT

Rock Springs Update
Mayor Nelson said he was glad Gary McSweeney came and updated him so we'll try and press forward to see where we get with that.

Camp Wewa Update
Mayor Nelson said that after the vote tonight, Lowes is trying to schedule something for the 1st two weeks of September to completely renovate Camp Wewa. He said he'll be reaching out to both Wekiva and Apopka High School for kids who need their community service hours and any community leaders and Friends of Wewa to come out and help so as soon as he gets the dates, we'll let everyone know. He said they'll have approximately 200 Lowe's Associates there to help. He said Kate Manley of the Apopka Chamber received a call from Finfah and said they want to rent Camp Wewa right out of the gate and said they'll have 1,000 people coming to that.

9/11 Events
Mayor Nelson said Gerry Maynard has really worked hard on this event and said we start out with registration from 6:00 a.m. – 6:30 a.m. for a 5 K race. He said what's unique about this race is that every member of the 1st Responders that we lost in the Towers and across the Country, will have their name on a plaque and said as you run around the course, you'll be able to remember all of the people that we lost during that tragic event. He said he's really excited about that. He said the proceeds will benefit the Armando Borjas Scholarship Foundation and said he was a firefighter and served for 14 years before dying at the age of 39 from Esophageal Cancer. He said the foundation helps send local youth to Fire and EMT School. He said the 9/11 Memorial Service will start at 8:30 a.m. and said we have a featured speaker from NYC Fire Department and said we're trying to find someone from NYPD as well.

Commissioner Velazquez asked if this will be at the Amphitheater to which Mayor Nelson confirmed yes. She said she would like to have something at our 9/11 Memorial as well. .

Mayor Nelson said that same evening, we have the Tribute to Heroes concert, which is sponsored by CFL Hope out of Clermont and said proceeds will go toward the Hope Center and the Armando Borjas Foundation. He said the general admission is $25 and $35 for covered seating. He said there will be a 20% discount for veterans and first responders and said there will be a Food Trucks; Fire Trucks; Military Vehicles and a kid zone. He said the featured musicians will be Low Cash; Donnie Lee; Randall Crawford; Adam Cunningham; Brandon Bing; and Country Airwaves.

Florida League of Cities Proposed Resolutions

Mayor Nelson said the FLC Proposed Resolutions are in your packets and asked if anyone had any problems with any of those that the FLC has presented. Hearing none, he asked for a motion to adopt those Resolutions.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to approve the Proposed Resolutions as presented by the FLC. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

Sheeler Oaks Update

Mayor Nelson said we've got one inlet up and working and said we should have most of the project done within the next two weeks. He said we also added a 2nd pipe that will go from the last junction box, down to the lake. He said we're making progress there.

Lobby Closures

Mayor Nelson said that due to the increase in the Delta variant, we've closed all Public access to City Hall; Fire Departments; Police Department; Utility Billing and said we'll revisit this on Friday, next week. He said this is in an effort to protect not only our citizens but our employees here. He said on that note, the DOH mobile vaccination unit will be at the Billie Dean Community Center, on Friday, July 23rd, from 2:30 p.m. until 5:00 p.m.

Golden Gem

Mayor Nelson said lastly, we'll officially be taking on water at Golden Gem as of tomorrow. He said our 300-Million-gallon pond has been tested and no leaks.

ADJOURNMENT - There being no further business the meeting adjourned at 9:42 p.m.

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Bryan Nelson, Mayor

ATTEST: ____________________________

Susan M. Bone, City Clerk