CITY OF APOPKA

Minutes of the City Council regular meeting held on July 7, 2021 at 1:30 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; led in the Pledge of Allegiance and provided the Fact of the Day as follows: On July 7, 1930, construction of the Hoover Dam begins. Over the next five years, a total of 21,000 men worked to produce what would be the largest dam of its time, as well as one of the largest manmade structures in the world. The dam provides essential flood control for downstream farming communities and a dependable supply of water for nearby areas.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of June 16, 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 June 16, 2021.

   MOTION by Commissioner Bankson and seconded by Commissioner Velazquez, to approve the Regular Council Meeting Minutes of June 16, 2021. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

PROCLAMATION

1. Petey Vergos, USBC 2021 Intercollegiate Singles Championship
   Presented by: Mayor Nelson

   The Mayor said this gives us great honor and said that Commissioner Velazquez has been to several of his bowling tournaments. He said we have Petey Vergos here today and he sure has made Apopka proud, not only at the high school level but the college level and the NCA level. He read the Proclamation which read: "Whereas, Petey Vergos is the 2021 USBC Intercollegiate Singles Champion; and Whereas, he is a two time; All American as well as the 2019 Athlete of the Year at Cumulate College in Whiting, Indiana; and Whereas he is the captain and anchor bowler, etc." Bowling Champion for 2021 - Team USA and won 5 medals. Mayor read the Proclamation and declared that July 7. 2021 was Petey Vergos Day!! He then called Petey Vergos to the podium to say a few words.

Petey Vergos said on behalf of himself and his family, he wanted to personally thank every one of you and said that as much as he throws the bowling ball, he wouldn't be able to accumulate any of this without the constant support and appreciation you've all shown me over the years and it hasn't gone unnoticed. *Applause ensued.*

Mayor Nelson then presented Petey with his Proclamation and he and the Commissioner's then took a photo with Petey and his family.

Commissioner Velazquez said Petey plays a sport that she played and she remember going to several of his games and said there was always such excitement. She said when he went up to bowl, they remained silent and he continued to make strike after that and said he was very deserving of the recognition as well as the Proclamation.

2. Harvey Caldwell, Apopka Historical Society Recognition
   Presented by: Mayor Nelson

   Mayor Nelson said that Harvey Caldwell's wife had some health issues so he wasn't able to come Down to be a part of this so we're going to put this off until the 1st meeting in August.

PRESENTATIONS

1. Keep America Beautiful Affiliate Program
   Presented by: Nicole Kennedy

   Nicole Kennedy, Sustainability Coordinator, said that today she wanted to talk to you a little bit about the Keep America Beautiful program, which is a National Community Improvement program (#1 in the United States); discuss their network; what they're about and how Apopka might benefit if we join their network. She said the Keep America Beautiful program was established in 1953 and said it's a leading National Non-Profit that inspires and educates people to take-action to improve and beautify their community. She said it provides expertise, programs and resources to help end littering, improve recycling and beautify America's communities. She explained that the cornerstone focus is change of behavior and promoting the model of change in our community. She said this is driven by more than 650 community-based Keep America Beautiful affiliates across the Nation. She said there are millions of volunteers and said the support of corporate partners, municipalities and individuals and really takes into consideration that Tri-City Partnership among the sectors. She stated that this could benefit Apopka by improving Outreach and participation in the City's Adopt a Road program. She said it encourages more local schools to participate in the City's plastic bag recycling partnership program, which was launched in 2019 at Apopka Elementary. She said there are also educational opportunities for youth and young adults including more events for Florida Arbor Day; Foliage Festival; and access to more community grants and reduction of litter, waste and graffiti. She said we're not asking for anything today but have put into our budget the one-time Certification fee, of $4,500 based on our population, and is required to become a member. She said this includes support and training includes having someone come down from the National office to work with us on establishing the board, community team so we can get that going. They will get into the community and hand out materials and will survey the community through focus areas that may be hot spots. She said we think this will be very beneficial and ask that you please keep this in the budget. She said once we are Certified, we pay an annual affiliate fee of $285.

Commissioner Velazquez, said that we have the Adopt-a-Road program and asked if this could be incorporated into this program.

Commissioner Bankson said he loves this and said anything that can incentivize the citizens themselves to take ownership is a smart way to do it and is also a more beautiful way to do this. He said we need to watch for this and said the Chamber used to do an award on a monthly basis for beautification for homes and people took pride in that. He said he has some concerns about some of the old trees that aren't cared for and said it's important that we replenish them and said he supports this program.

Commissioner Smith said this will help improve our environment as well as our quality of life so he's all on board.

Commissioner Becker said $4,500 is not much in the grand scheme of things and said on some of these items, we should be able to do this without a group like Keep America Beautiful. He said we as a City should know where the hot spots are in terms of beautification efforts in terms of upkeep, litter, etc., and said he's curious to see what they bring to us.

Nicole said it's basically to engage the community of where we are now and will help facilitate that process as we haven't been able to do that at the staff level and said even after the certification is established, there's a mentoring process that continues at just the cost of $285 per year.

2. Northwest Recreation Complex Amenity Enhancement Survey Results.
   Presented by: Brian Forman

   Brian Forman, Recreation Director, said as you recall, in the Spring, we did a survey for amenity improvements at Northwest Rec Complex and said Kelly in IT was an amazing help from start to finish on this and wanted to acknowledge that. He said the survey closed in May, after running for about a month and said we posted on the website, sent in our weekly newsletter, social media, and held a community meeting on May 1st and received 660 responses. He said mostly, the far NW side has been earmarked for improvements. He said the top choices were as follows: Aquatic Facility; Splash-Pad, Skate Park; Pavilions; Trails; Dog Park; Multi-Purpose Fields, Rest-rooms; Accessible Playground, Basketball, etc. He said our next step is to hire a Parks Planner that can provide a concept map, do artistic renderings and provide an itemized the layout for those to come into fruition. He said hopefully sometime in the fall, we'll have that information.

   Commissioner Becker asked if any of this would be brought up at the Budget Workshops this year.

   Brian advised that some will and others are on our wish list. We also may be eligible for grants.

   Commissioner Becker said who is the Parks Planner and will that be in the budget for next year to which Brian explained that that's already in the budget.

Commissioner Smith asked about the restrooms to which Brian stated that the rest rooms are in the budget already and said that was one of the earmarks from the Duke Energy.

Commissioner Velazquez said she was hoping for a lot more than 660 responses but said it's a start. She said we may get more feedback with the citizens.

3. Street Lighting Presentation
   Presented by: Pam Richmond

   Pam Richmond, Transportation Coordinator, provided an overview of the Street Lighting program and said we have installed 123 new LED lights and upgraded others across the City. She said the lights that we've upgraded are in places where we've added lights. She reviewed the lighting we've installed and said Phase II is on Oak to Main St. - Alonzo Williams Park has some grant money toward that. She said Sandpiper has upgrades to the lights there and said at Park, we added that light. She said Kit Land has been updated and said at NW, we've updated 143 lights. She said Martin Street lighting project was well received. She said McGee showed the information and said that the 5th street parking lot lights are also included and have been updated. She said Vick Road at Michael Gladden have been updated as well. She said we look for opportunities to where we can up-graded to LED.

   She said future projects are being designed by Duke Energy for lights and infrastructure out at Hiawassee. She said this is in the hundreds and will also have a monthly bill.

4. Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2020 from Mauldin and Jenkins, LLC.
   Presented by: Daniel Anderson

   Daniel Anderson, Mauldin and Jenkins, LLC, provided a summary of the CAFR for FY Ending September 30, 2020. He said he's the audit director with Mauldin and Jenkins and said that he was responsible for the day to day activities of the City's 2020 Fiscal Year End Audit. He said you should have two documents in front of you, one being the CAFR and the second being a document that our firm issues called the Auditors Discussion and Analysis. He said Governmental Auditing Standards do require certain communications of governance at the conclusion of the audit. He said this can be done by through a written or a verbal format however, he said we choose to do it through that Auditors Discussion and Analysis and said his presentation is a summary of that document. He provided a brief summary about the firm and said that they're a large regional audit organization with 12 offices throughout the Southeast, United States, including 2 in Florida. He said that our audit was served from our Bradenton, Florida office location. He said their Governmental Practice is the firm's largest niche serving over 600 governmental entities in the Southeast, including 135 municipalities as well as 140 entities that receive the GFOA Certificate for excellence in Financial Reporting on an annual basis. He said their practice also offers up to 16 hours of free continuing education to clients on an annual basis, quarterly. He said we're proud to report that about a year ago, one of our partners Joel Black, was appointed as the Chair of the Governmental Accounting Standards Board and his term is for 7 years and he just completed his first year.

He commended Gladymir and her team for all of her hard work and said that she did a great job with getting them the information necessary to complete the audit. He said the main reason for preforming an audit is to provide an opinion on the fair presentation of the financial statements. He said we have issued an unmodified opinion, which is the highest form of assurance that we can render, so therefore, the financial statements are free of material misstatement. He said there are several other reports that you'll note in the back of the Comprehensive Annual Financial Report document. The first report is what they refer to as a Yellow Book Report, which is a report on the City's internal controls and compliance with respect to laws, rules and regulations. He said there isn't an opinion issued in this report but it's a negative assurance report, so only if we note something during the audit, you'll see them in this report. He said there were 3 findings that were identified within this report and said he'll go over them in the next few slides. He said the second report is referred to as a Single Audit Report and said as the City expended more than $750,000 in State awards, we did have to preform a State Single Audit. He said we did preform that audit and noted no issues with compliance or internal controls with respect to the major program, which we audited. He said the third report is an Independent Auditors Management letter, which is required by the rules of the Auditor General. He said this letter is in regarding the City's Compliance with the rules of the Auditor General and said there were no issues reported within this report. He said the last one is a newer report that came out about 2-3 years ago and requires us to preform an examination with respect to the City's compliance with Florida Statutes, concerning the investment of Public Funds and found no issues noted in the preforming of that testing.

He briefly went over the required communications that we have and mentioned that they're also in written format in the Auditors Discussion and Analysis Report. He said first and foremost, management is responsible for the Financial Statements in the accounting policies of the City. He said in preforming their audit, they encountered no difficulties in working with management. He said there were audit adjustments that were prepared and provided to management, which have been posted to the City's records. He said there were no uncorrected misstatements, where we proposed an audit adjustment and management elected not to post it. He said they had no disagreements with management over the application of any accounting policies or procedures. He said at the conclusion of the audit, we did obtain written representations from management on the accuracy of the information provided to them. He said there were no significant issues discussed with management to bring to your attention and said Mauldin and Jenkins is independent of the City.

He said as mentioned earlier, there were three findings noted and said all of the findings are the result of significant audit adjustments that were made and said based on their materiality levels, they're considered material adjustments, which triggers them to be reported as a finding. He said the first was in regards to certain accounts receivable and revenue activities and said there were some audit adjustments made there, based on timing of when the City collected funds. He said the second one was in regards to a couple of prior period adjustments that we made regarding how the City applied the application of Gatsby Standards on the amortization of Bond premiums as well as some accounts receivable and revenue entries and a cash entry as well. He said the last finding is n regards to other audit adjustments which reflected specifically, accrued payroll and one depreciation expense adjustment that we were required to make. He said as they were considered material, we do report them as audit findings, however, in discussion with management, we're very confident that they have plans in place to make sure these are rectified in the 2021 fiscal year so that they will not be repeat findings. He said lastly, there's a recommendation that you'll note within the Auditor's Discussion and Analysis and said this is a recommendation that we provide to all of our governmental clients since February, and is in response to a potential Cyber Attack that happened on the City of Oldsmar's water supply. He said this is a hot topic in accounting in general and said they perform certain procedures in regards to Cyber security as part of our audit and noted no issues. He said most of the cyber security attacks that you hear about are related to financial information where someone is trying to hack into the system and take control of your accounting software or phishing to try and get you to pay fictitious vendors. He said it's just a recommendation that they give to everyone and said you always want to evaluate your cyber security and make sure you have procedures in place to prevent these attacks from happening.

Mayor Nelson said our IT Director, Rob Hippler, frequently sends out phishing expeditions and have caught a couple of employees that have gotten caught up in these and are taking appropriate action. He said as to the Water Supply issue, all of the internal controls are not on our website and are all internal.

Commissioner Becker asked how we stand in terms of other municipalities.

Mr. Anderson stated that as part of their procedures as required by the Auditor General are to look at financial information compared to Cities, similar to the City of Apopka that they've determined. He said when we preform those procedures, if there were any unfavorable results, we would communicate those to you. He said secondly, our General Fund and the fund balance, there's just under $15 million dollars of unassigned fund balance and said when you have about $45 million dollars of annual expenditures, that's a pretty good ratio of what you're looking for to make sure you have the resources you need until the primary general fund and property tax revenues come in in November and December. He said you're right at 33% and said that's very strong. He said he typically likes it around 20% so when you're at 33%, that's very good. He said when you look at your Enterprise Fund, you want to make sure that those are treated as business type entities so you want to make sure those are self-sufficient. He said the Pension Plans funded ratios are all around 80-85% and said he knows that the pension accounting changed about 5 years ago and there are some giant liabilities on the City's books but when you're at 80%, and that being a long looking liability, you're meeting the required contributions from the actuary and you're at a healthy level as far as your fiduciary net position is.

Commissioner Becker asked if our Debt Service as a percentage of non-capital expense and said he's always thought that it's been in a healthy spot and asked where we are in comparison to other municipalities to which Mr. Anderson said he will review and get back to him on that.

Commissioner Smith said he feels good and said he spoke about reserves when he first came on and thought that 25% was where we need to be and said it looks like we're in good shape at 33% and are doing a good job.

Commissioner Bankson said he had similar questions as to where we were in terms of measuring up to the standards and asked what are the standards we should be looking for and said it's good that we're a little net-positive in our reserves because of what we've come through and said now we're in a position where we can move forward. He said he loves that this is thorough as he wants to know where the holes are. He said he's pleased at where we're at.

Commissioner Velazquez said this is not her strength and she relies on those who have the strength in this area so just from listening to what you said and hearing what different Commissioners said, and knowing we're at 33%, especially in a time when we were dealing with a pandemic, is a good place to be at going in to the new budget season. She gave kudos and recognized Gladymir for all of her hard work.

Mayor Nelson thanked Edward and said he's really given direction to the Finance Team and they've been incredible this year. He said he wanted to mention that we've reduced our General Fund indebtedness by 45% so as much as our reserves are at 33%, reducing our indebtedness is equally important. He said lastly, he asked him for reassurances from him and his firm that no one from the firm will donate any money to any candidate running for City office in 2022 to which Mr. Anderson stated you can be assured of that.

Edward said one thing he wants to be clear on as we move into budget season, and said while he agrees, the financials look really good this year, our reserves are higher than the targeted 25% but said keep in mind that there were some capital things that we put on hold because of Covid. He said that reserve number has some dollars in there that we've brought forward so some of that 33% may be more like 27-28% as those dollars will come forward and those projects will get done in the current year. He said this is a snapshot in time as of 9/30/2020. He said the other thing is that we're trying to get ourselves in position for the new public safety complex comes onboard, and we're hearing estimates of anywhere from $20-30 Million dollars to build this complex, we'll need to be ready for a Bond issue. He said so if we can further reduce our debt, we'll have the ability to take on a bigger project like this. He said this gives us some leverage to do some of the big projects that we really want to get done.

AGENDA REVIEW

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

PUBLIC COMMENT PERIOD

Edmond Poirier, 21 Riverneck Road, Chelmford, MA 01824, said his wife Sheila died from cancer 6 years ago yesterday. He said she was one of 12 people who died from cancer on Park Glen Circle. He said we told the DOH in 2015 that our back-flow preventer failed inspection and it had gone 6 years without being inspected. He said he pulled the inspection reports for his street and said if these inspection reports were supposed to be done annually, there were 308 inspections missed and said if the inspections were due every two-years, then there were 150 missed. He said he recently filed a complaint with the DEP after the City fired the water supervisor for falsifying back flow preventer test results and destroying records. He said he also received an email from the DEP stating the City had been cited for not turning in multiple years of their annual cross contamination reports but that they've since submitted 2019 and 2020 and are working toward getting current. He said we can fix this problem by sending letters out to every homeowner and let them know that if they have an irrigation hooked up to the City water lines, they are required to have a backflow preventer and have them inspected annually.

David Hoffman, Tayside Court, Apopka, FL 32712, said Chief McKinley, a member of the City's DRC Committee said the Chief deserves much credit for serving as a moral voice in opposing the 95-acre, Magnolia Terrace project. He said according to the Apopka Chief, July 2nd edition, Chief McKinley objected to the fact that project, which features Town-Homes and Single-Family Units, is substantially different than the residential make up of the surrounding neighborhood. He applauds his efforts.

Rogers Beckett, Apopka, FL, said he was following up on a few items regarding where we're at with the Rock Springs Ridge Land Swap. He said his first question was prior to the land swap transaction being completed, would there be an operational budget or a cost analysis provided to the residents of Rock Springs Ridge to which Mayor Nelson said no. He then asked if during the leasing period, will the City or the HOA be responsible for a roof to which Mayor Nelson said there wouldn't be a leasing agreement. Rogers said his last question asked if the land swap was predicated on the allowable density of the golf course or how we came to that number for that transaction?

Mayor Nelson said that the transaction amount was that they were looking for developable land and we had those two parcels came out to $2.4 million. He said at this point we don't have an agreement yet.

Rogers further stated that the Apopka Voice had an article about annexations and making South Apopka a priority. He said he knows for many years this has been the discussion, whether the City of Apopka to annex in South Apopka. He said he knows that from about 2004-present, there's been an Interlocal Agreement to look at those issues and asked what the City's position was on this. He said this is a general question and said we're going into an election and know this is going to come up again but said he wants to be on the record and asked for us to take a closer look at these issues.

Commissioner Becker said there are multiple persons willing participants to workshop these issues out and said he's awaiting the date. He said we can look at annexation in multiple ways including voluntary annexation, or forced annexation by Ordinance, and said this the type that we really need to explore. He said we need to look at level of service. He said when we talk about level of service, from a Public Safety perspective; we need to look at Sheriff response; Orange County Fire Department response. He said it doesn't just have to be South Apopka but can include squaring up of corners that are naturally occurring and take in some additional tax base along with that annexation, he feels it's worth exploring.

Michael said that that as Commissioner Becker stated, there is voluntary annexation which is lot by lot and there's involuntary annexation which is done by Ordinance and voted on by the electors. He said there is one other method which is annexation of enclaves by Interlocal Agreement with the County. He said he's done these but one of the things we need to look at as a City are what exactly is the City going to assume or take on as a part of an annexation by Interlocal Agreement. He said with this, both sides meet and discuss any questions or potential issues including future utilities and roads. A third possibility would be that of an Interlocal Service Boundary Agreement (ISBA). He said the ISBA would serve as a holistic approach for the entire future growth estimate of the City and said this agreement with the County would lay out the mechanism and the process as well as the transfer of jurisdiction.

Commissioner Smith asked if whether this annexation takes place, whether the City could then change the Land Use to which Michael confirmed, yes.

Commissioner Bankson said he appreciates Rogers bringing these things forward. He said this has been a source of frustration with the Sunshine factor and not being able to discuss it freely. He said this has been the most that's happened just in this conversation and he's excited about that. He said one of the frustrations has been that there's no particular entity to talk with. He said the ISBA may be the answer worth examining and said if there's an agreement that the County needs to bring this up to a level, that will help us on the fiscal side.

Commissioner Velazquez said this has been a legacy issue and said she's written down some of the positive things that our City has done in addressing many of the issues and concerns on the South side of Apopka. She said she understands that annexing the South side of Apopka really does take a partnership and she said within the last 5 years we've had representation at the County level and said she feels that last we've cultivated some type of relationship with the County. She said she sat on the Planning and Zoning Board for 2 years with Orange County and said there were a lot of things she learned about the South side of Apopka and said that now that we have a Commissioner that does sit on Orange County Commissioner, she said let's have a partnership and see what we can do until we get to the level of whether annexation the best course in order to bring the City together. She said with Sunshine factor, we do it through a Workshop. She said this will allow the elected officials from the City and the County and how we spend our money and the revenues that we get. She said it starts with a conversation.

CONSENT (Action Item)

1. Authorize the Police Department to accept funding from the US Department of Justice for the FY20 Edward Byrne Memorial Justice Assistance Grant.
2. Approve the annual funding agreement between the City of Apopka and Metroplan Orlando for FY 2021/2022 in the amount of $26,816.00
3. Authorize a change order via the professional transportation planning and traffic engineering services agreement with Metric Engineering to design a dedicated southbound right turn lane on Errol Parkway at the intersection of US 441 in the amount of $23,707.08.
4. Award a contract for RFQ 2021-02: Facility Needs Assessment for a new Public Safety Building.
5. Award a contract for RFQ 2021-05: Pavement Condition Assessment.
6. Approve the first extension of the contracts with Southeastern Surveying and Mapping Corp. and CPH, Inc. for a period of one year.
7. Authorize the execution of piggyback contracts for fiscal year 2021.

Mayor Nelson asked if anyone needed to pull any of the items or had any questions. Hearing none, he asked for a motion to approve the seven (7) items on consent.

MOTION by Commissioner Smith and seconded by Commissioner Bankson, to approve the seven (7) items on consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2838 – First 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
   Project Manager: Jean Sanchez

   Jean Sanchez, Planner II, said this is a request to approve the Small Scale – Future Land Use Amendment from County Rural to Mixed Use. She said this is owned by Carl and Donna Redder and is located within the 1-mile radius of SR 429 and Kelly Park Road and is located on the SW Corner of Sadler Road and Golden Gem Road. The subject parcel is located within the Wekiva Parkway Interchange Vision Plan Area and the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road; and therefore, is required to adhere to the KPI Form-Based Code. She said DRC and the Planning Commission recommend approval.
   Commissioner Becker said on the docket today, we have 51 over capacity seats contributing to the over-capacity situation. He said he knows in meetings past, the Commissioners asked, in order to aid in their decision-making process, wanted to see what the net affect of that overcapacity was going to be on a case by case basis. He asked staff if they have any insight to where this puts us.

   Jim Hitt, Community Development Director, said we've reached out to OCPS to ask for a tracking log sheet for all of the different developments as this is not just our development that affects their analysis. He said in regards to all of the developments that we do have is that as we approve the developments, the developers know that they will not be able to get building permits or development permits until the concurrency is paid for those seats.
   Commissioner Smith asked why we couldn't have someone in house that keeps track of the impact that we're making as referenced to the number of improvements that we make as far as housing is concerned and said that way we know how the development is impacting our students.

   Mayor Nelson said he'll get with Jim and we'll get with OCPS and someone come down from Facilities as well as School Board Member Bird as well so we can get those data points.

   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. 2838 at first reading and hold over for a second reading and adoption.

   MOTION by Commissioner Smith and seconded by Commissioner Velazques, to approve Ordinance No. 2838 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.

2. Ordinance No. 2839 – First 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
   Project Manager: Jean Sanchez

   Jean Sanchez said this is a request to approve the Small Scale – Future Land Use Amendment from County Rural to Mixed Use. She said this is owned by Carl and Donna Redder and is located within the 1- mile radius of SR 429 and Kelly Park Road and is also located on the Corner of Sadler Road and Golden Gem Road. She said the zoning application will be forthcoming and subject to the standards of the KPI-Form Based Code. She said DRC and Planning Commission recommend approval.

   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. 2839 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. 2839 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.

3. Ordinance No. 2841 – First 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
   Project Manager: Jean Sanchez

   Jean Sanchez, said this is a request for a Change of Zoning to accompany a Master Plan for Plymouth Sorrento Assemblage. She said the properties fall within the KPI-Form Based Code area and are therefore subject to the KPI-Form Based Code Standards. She said the property is approximately 5079 acres and is situated East of SR 429 and West of Plymouth Sorrento Road and South of Joey McGuckin Road. She said the request is for a rezoning from Transition to KPI-MU with a Neighborhood Overlay.to KPI-MU zoning. The maximum density permitted based on the Mixed-Use Future Land Use designation on these properties is five dwelling units per acre while the proposed density is 3.5 dwelling units per acre.

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. 2841 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve Ordinance No. 2841 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.

4. Ordinance No. 2843 – First Reading – Large Scale - Future Land Use Amendment – Emerson Point Ph II
From: Residential Medium (10 DU/AC), Commercial (.25 FAR), Future Land Use-in progress
To: Mixed-Use (15 DU/1.0 FAR)
Owner: Emerson Point Phase II, LLC, c/o Mary L. Demetree
Applicant: M/I Homes of Florida c/o Ricardo Diaz and Appian Engineering c/o Jimmy O. Palm, P.E.
Location: 1801 Marden Road, 1890 and 1900 S Hawthorne Avenue
Project: 69.65 +/- acres
Project Manager: Allyson Williams

Allyson Williams, Planner I, said this is a request for a change in Future Land Use Designation from the applicant is requesting a change in the future land use designation of the property from Residential Medium (Max. 10 du/ac), Commercial (Max. 0.25 FAR) and Future Land Use-in Progress, to City Mixed-Use, which permits a maximum density of 15 dwelling units per acre and 1.0 FAR. The subject properties are located on the north side of State Road 414, east of Marden Road, west of Hawthorne Avenue and are a total of approximately 69.65 acres in size. The applicant is requesting the Large-Scale Future Land Use Amendment in order to develop the Marden Road Mixed Use development, consisting of single-family residences, townhomes and commercial uses. The proposed use of the property is compatible with the character of the surrounding area and is consistent with the Mixed-Use Future Land Use Designation. The applicant will be requesting a Change in Zoning and that application will be forthcoming.

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. 2843 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Velazquez and seconded by Commissioner Bankson, to approve Ordinance No. 2843 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.

5. Ordinance No. 2845 – First 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
Project Manager: Phil Martinez

Phil Martinez, Planner II, said the applicant is proposing a rezoning from Agricultural to Kelly Park Interchange – Mixed-Use District with a neighborhood overlay along with a Master Plan. The owner of the subject property is requesting a rezoning from AG (Agriculture District) to KPI-MU (Kelly Park Interchange Mixed Use) with a Neighborhood Overlay. Per the requirements of the Kelly Park Interchange Form Based Code, the applicant is requesting approval of a Master Plan for the subject properties. Access to the site is proposed via W. Kelly Park Road. Four future access points for vehicular and pedestrian traffic have been provided, and one future pedestrian access point is provided between lots 54 and 55. Right-of-way is proposed for dedication along W. Kelly Park Road for turn lanes and a pedestrian walkway. He said DRC and Planning Commission approve of this Change in Zoning. Commissioner Becker asked about the cul-de-sac looking stub outs and asked if there will be signage or how will that be conveyed that this is a future connection.

Mayor Nelson said we've had some issues with this in the past so we need to put this on the deed upon sale of those lots so that the perspective home owner knows that this is a future right of way.

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. 2845 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Smith , to approve Ordinance No. 2845 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.

6. Ordinance No. 2848 – First 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

Jean Sanchez, said the request is to accept Ordinance No. 2848, the annexation of a parcel owned by the Roper Family. She said the subject property is located West of SR 429 and north of Hooper Farms Road and said it's approximately 1.53 acres and meets Florida Statute 171.

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. 2848 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. 2848 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.

7. Ordinance No. 2849 – First Reading – Change of Zoning – Marden Road
From: Residential Multi Family (RMF), Community Commercial (C-C) and Transitional (T)
To: Planned Development (PD)
Owner: Emerson Point Phase II, LLC, c/o Mary L. Demetree
Applicant: M/I Homes of Florida c/o Ricardo Diaz and Appian Engineering c/o Luke M. Classon, P.E.
Location: 1801 Marden Road, 1890 and 1900 S Hawthorne Avenue
Project: 69.65 +/- acres, 225 SFR and townhomes
Project Manager: Allyson Williams

Allyson Williams, said the applicant is requesting a rezoning of the property from Residential Multi-Family (RMF), Community Commercial (C-C), and Transitional (T), to Planned Development. The subject properties are located east of Marden Road, north of State Road 414 and west of Hawthorne Avenue, specifically at 1801 Marden Road, 1890 and 1900 South Hawthorne Avenue. The applicant is requesting a rezoning of the property to PD instead of a conventional zoning district to allow protection of the natural environmental features of the property, including wetlands, floodplain conservation, and karst areas that a conventional zoning district's development criterion on the property would make harder to achieve. Of the 69.65 acres, 26.25 acres are reserved for open space. 8.71 acres are reserved for recreation amenities, featuring an amenity tract which will include a swimming pool, cabana with restrooms, playground with slides, swings, and a rock-climbing wall. Ten pocket parks with a combined total of 1.63 acres are also included in the amenity tract. 8.80 acres are reserved for conservation and karst features that are located in the northern and western portion of the site. 6.87 acres are reserved for stormwater retention ponds located along the northern portion of the property. Landscape buffers will be provided in tracts along the Marden Road and Hawthorne Avenue frontages. A 6-foot tall wall will be provided in between the Commercial outparcel and Lot 225 to provide buffering between residential and commercial use.

Commissioner Becker said the urgency of improvements to that road given that this development is for 225 homes and the shoulders are fairly non-existent on Marden.

Pam Richmond stated that she has this on her priority list. She said we have no parking signs up so that no trucks can park on the shoulder.

Commissioner Smith said he does random checks and the trucks are not parking there now. .

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. 2849 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez, to approve Ordinance No. 2849 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.

8. Ordinance No. 2850 – First 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
Project Manager: Jean Sanchez

Jean Sanchez said this is a request to approve the PMDW Ventures, LLC Future Land Use Amendment from County Rural to Mixed Use. She said is located within the Wekiva Parkway Interchange Vision Plan Area and the one-mile radius from the Wekiva Parkway (SR 429) interchange at Kelly Park Road; therefore, required to adhere to the KPI Form-Based Code.

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. 2850 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve Ordinance No. 2850 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.

9. Ordinance No. 2852 – First 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

Allyson Williams, said the request is to Annex a .52-acre parcel into the City of Apopka. She said the subject property is located at 1002 S. Hawthorne Avenue and is contiguous to the City limits and is eligible for annexation, pursuant to Florida Statute 171. She said the proposed property is a retention pond.

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. 2852 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Velazquez and seconded by Commissioner Smith, to approve Ordinance No. 2852 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.

10. Ordinance No. 2858 – First 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
    Project Manager: Jean Sanchez

    Jean Sanchez said this request is to approve the Change of Zoning for the Ridge and its accompanying Master Plan. The Ridge is a consolidation of fourteen parcels, totaling approximately 366 acres. The properties have current zoning designations of RSF-1A, C-C and MU-ES-GT and have a future land use designation of Mixed-Use. The Ridge is located north and south of Boy Scout Road; west of SR 451, north of SR 414; and west of SR 429. The proposed change of zoning to PD (Planned Development) is being requested by the applicant, who proposes to construct a mix of industrial, commercial and residential uses. She said The Ridge PD Master Plan proposes commercial uses on Parcel 1, portions of Parcels 3 and 6, and Parcel 7, which comprises about 46.7 acres of the total area. Based on the PD Master Plan, the applicant proposes a spine road, Street A, as a parallel facility to Boy Scout Road, leading to Binion Road via the proposed Street B. Parcel 1 is reserved for commercial uses and will be accessed via Ocoee Apopka Road and Boy Scout Road. Parcel 2 is intended to include 340 units of single family detached and townhomes on 79.2 acres. Parcel 2, situated north of Boy Scout Road, has two proposed access points. One of the access points is a boulevard that connects the northern and southern portions through Parcel 4 of the project and the other access is on Boy Scout Road. The applicant has worked with staff to design the site to locate each type of use pragmatically and ensure its compatibility with existing adjacent uses, leaving large spaces for open area, recreation, park amenities, and the pedestrian/bicycle trail. DRC and the Planning Commission both recommend approval.

    Mayor Nelson asked the applicant to come up as this is such a large project.

    Tom Sullivan, Gray, Robinson Law Firm on behalf of the developer. He said they’ve worked very closely with staff on this and said he’s available for questions.

    Commissioner Becker asked about the roadways and said we need to look at the improvements we’re making and what is the timing. He said he spoke to a resident of the Breckenridge Subdivision and said that the placement of where their gate is, causes back up on a regular basis.

    Pam said the applicant is aware of this and will address the issue.

    Bobby Boyh, 237 Boy Scout Road said she doesn’t know how much this is going to impact them as the parcel that someone cleared on the West side of Binion has cut off our water exit and they put a retention in there and now their water doesn't go down to Lake Apopka anymore and the drains flood all of the time.

Mayor Nelson asked Vlad to get with her and see if he can take a look at that property and get some ideas on how to fix the issue.

Mayor Nelson asked if 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. 2858 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve Ordinance No. 2858 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.

11. Ordinance No. 2860 - First Reading - Registration of Residential Property subject to foreclosure actions.
    Presented by: Michael Rodriguez

    Michael Rodriguez said Ordinance 2860 seeks to amend the current registration, maintenance, and security of abandoned residential property. The Ordinance amends the eligibility for registration to properties that are the subject of foreclosure actions, whether vacant or occupied. Registration of said properties will be on a semi-annual basis (every six (6) months). The purpose of the registration is to ensure that properties subject to foreclosure actions are maintained during the pendency of the legal process in order to protect and preserve the health, safety, and welfare of the surrounding community and the City of Apopka.

    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. 2860 at first reading and hold over for a second reading and adoption.

    MOTION by Commissioner Smith and seconded by Commissioner Velazquez, to approve Ordinance No. 2860 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. 2021-31 - FY20/21 Budget Amendment
    Presented by: Gladymir Ortega
    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 Resolution No. 2021-31.

    Gladymir Ortega, Finance Director, said the 1st budget amendment includes changes in funding and appropriations related to a contract award for a Facility Needs Assessment for a new Public Safety building. The total contract cost is $92,570 with a 10% contingency amount of $9,257 (total contract cost rounded $101,830. The budget for the contract was provided in the Police Department Impact Fee Fund and the Fire Department Impact Fee Fund ($30,000 budgeted under each fund for a total of $60,000). This amendment increases funds from reserves equally to both Impact Fee Funds to cover the cost of the contract ($41,830 rounded up, divided between the two funds equals $20,915 each). This budget amendment includes changes in funding and appropriations related to Governmental Consulting Services with Gray Robinson, P.A. On June 16, 2021, City Council approved an engagement to provide services related to the American Rescue Plan Act. The fees included $3,000 per month for State services and $3,000 per month for Federal services for a period of not less than 3 months, beginning on July 1, 2021. This amendment provides funding from reserves in the amount of $18,000 from July 2021 - September 2021.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez, to approve Resolution No. 2021-31. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Smith said he wanted to commend the City and the Parks and Recreation Department for doing a fantastic job on the July 4th event. He said everything was well planned and attendance was outstanding so you're commended for a job well done. He said he would like to say that the City needs to take a look at addressing the needs for work force housing in our City and also rental assistance as the Moratorium is lifted on July 31, 2021, we're going to have a lot of individuals are going to end up adding to the homeless population. He announced that he will be hosting the house buying seminar on July 31, 2021, which is a Saturday, beginning at 9:30 a.m. and said we're going to take approximately 30 individuals interested in purchasing homes in the City of Apopka on a tour of 4 of our new developments and giving them a tour of our Hilton Garden Inn as well so they can see we have places to stay and places to host family reunions as well.

Commissioner Bankson said he wanted to bring up the issue of falling trees and said he's tried to pursue that and the challenge of is it City or is it County but if it's on the resident's lot and it hasn't fallen yet but there's danger of that, how do we address that.

Edward said we can put those through Code Enforcement so if you have some addresses, we can share this with Code Enforcement. He said what we prefer to do is try and meet with the resident and let them know this is a danger before turning this over to Code Enforcement.

Commissioner Velazquez said July 4th was a success and commended Recreation and said some of the visitors asked if we can turn off the fountain as it was distracting. She said other than that, everyone enjoyed it and said it was the first big event for some folks. She asked about the property on Park Avenue about the paper surrounding this building as it looks terrible. She said this has been like this for years.

Edward said he spoke with Steve Brick with Code Enforcement and said that he's looking into this.

CITY ADMINISTRATOR REPORT

1. Financial Update

Edward Bass said for this month the revenues were a little over $871,000 and if you look back at last year, it was only $369,000. He said this represents a 136% increase over last year because of Covid as this was our worst hit month last year. He said something interesting and he looked at FY-19 and it's still down by 5.6% that month. He said we're still not back to that number but you can see it has recovered here a little bit from the previous year and you can see the overall variance is approximately $711,000 or 7% less than what we anticipated or were told what that number might be when we received our estimate. He said we'll continue to watch this every month.

He said the other thing that's important as we get ready to start the Budget Workshops and said keep in mind that we talked about the CAFR and the reserve levels. He said keep in mind that we balanced the FY-21 budget using $900,000 of those reserves. He said it all depends on how we come in for this year so we have $900,000 that we borrowed from there and we also have this $711,000 gap that we're watching and said that number can fluctuate a little bit. He said the budget workshops are July 19, 20 & 21st and start at 5:00 p.m. and said after the budget workshop on the 21st will be our regular City Council meeting where we'll set the proposed millage rate.

CITY ATTORNEY'S REPORT

No report.

MAYOR'S REPORT

1. Rock Springs Ridge Update
   Mayor Nelson asked Michael if he's still talking with Kurt Ardamon to which Michael said he hasn't received anything from Kurt Ardamon.

2. Vaccinations
   Mayor Nelson said Chief Wylam reached out to DOH and we have a mobile vaccinator unit coming to the Billie Dean Community Center on July 23, 2021 from 2:30 p.m. – 5:00 p.m.

3. Camp Wewa Update
   Mayor Nelson said we received our first contract from the YMCA and there are a couple things we need to get cleaned up and said hopefully the staff at the YMCA are meeting tomorrow to try and iron out the details.

4. 4th of July Celebration Recap
   Mayor Nelson said great job from Parks and Rec and commended the Police Department and said they did a great job getting people in and out and said Steve Harmon took control of the parking and did a marvelous job and said we had help from School Board member Melissa Byrd. He said it was a great all-around team effort. He said we estimated around 7,000 people and it was a great crowd!!

5. Building Department / Permits

Mayor Nelson gave a big shout out to the Permitting Department. He said they came in last weekend to try and catch up on all of the permits that are coming in the door and said they've put in extra hours to make sure we stay up the development.

ADJOURNMENT - There being no further business the meeting adjourned at 4:52 p.m.

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Bryan Nelson, Mayor

ATTEST: ______________________________

Susan M. Bone, City Clerk