

City of Apopka Minutes

Minutes of the City Council regular meeting held on July 6, 2022 at 1:30 PM, in the City of Apopka Council Chambers.

Present:

- Mayor Bryan Nelson
- Commissioner Doug Bankson
- Commissioner Nick Nesta
- Commissioner Alexander Smith
- Commissioner Diane Velazquez
- City Attorney Michael Rodriguez

Absent:

- City Administrator Edward Bass

Press Present

- John Peery, The Apopka Chief

Invocation & Pledge of Allegiance:

Commissioner Smith provided the Invocation and led in the Pledge of Allegiance. He then provided the fact of the day as follows: On July 6, 1933, Major League Baseball's first all-star game took place at Chicago's park. The event was designed to bolster the sport and boost morale during the darkest years of the great depression. Originally billed as a one-time "Game of the Century," it has now become a permanent and much-loved fixture of the baseball season.

Approval of Minutes

1. Regular Council Meeting Minutes of June 15, 2022.
 - a. **Mayor Nelson** asked if anyone had any changes or questions on the minutes. Hearing none, he asked for a Motion to approve the meeting minutes of June 15, 2022.
 - b. Motion by **Commissioner Bankson** and seconded by **Commissioner Smith** to approve the meeting minutes.
 - c. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

Proclamation

There were no Proclamations.

Presentation

There were no presentations.

Agenda Review

Michael Rodriguez stated there were no changes to the Agenda.

Public Comment Period

1. **Dennis New**, 105 W. Magnolia Street, Apopka, FL 32703, said he's here today to remind all of the Council members that we elected you into the positions you're in to represent us and not to rule us. He said Code Enforcement came to his home and cited him for his yard and admits it

was a mess but stated that his back yard is behind a privacy fence. He said there are other houses in his area with problems but no one says anything to them but he won't throw them under the bus, rather, he provided a few examples of City buildings that need to be cleaned up.

Consent (Action Item)

1. Approve the Avian Pointe B2 Plat
2. Approve the Meadowlark Landing Residential Subdivision Plat
3. Approve the Park View Preserve Phases 1 and 2 Plat
4. Execute release of Code Enforcement Lien for Good Earth Properties LLP - 2437 East Semoran Boulevard, Apopka, FL
5. Execute release of Code Enforcement Lien for Avila Providencia - 252 Martin Street, Apopka, FL
6. Authorize the re-appointment of William Gusler to the Planning Commission for a three-year term.
7. Authorize the re-appointment of Mary Norwood to the Planning Commission for a three-year term.
8. Authorize the Police Department to present Lt. Carlos Joseph with his service weapon for retirement.
9. Authorize the City Administrator or designee to execute Grant Agreement # FM689 between the State of Florida Department of Financial Services and the City of Apopka.
10. Authorize the Police Department to expend funds from State Law Enforcement Trust Fund to make a donation to the National Organization of Black Law Enforcement Executives.
11. Approve the annual funding agreement between the City of Apopka and MetroPlan Orlando for FY 2022/2023 in the amount of \$28,364.00.
12. Award contracts for RFQ 2022-69: Continuing Service Architectural Services
13. Authorize the execution of piggyback contracts for fiscal year 2022.

- a. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.
- b. **Commissioner Nesta** asked for clarification regarding the definition of a hardship
- c. Hearing no other questions, he asked for a motion to approve the 13 items on Consent.
- d. Motion by Commissioner Smith and seconded by Commissioner Nesta to approve the **thirteen** items on Consent. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

Business (Action Item)

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

Mayor Nelson said we need to designate an official voting delegate for the Florida League of Cities annual conference.

Commissioner Velazquez said she's interested in performing that task and asked for support from her fellow Commissioners to designate her.

- a. **Commissioner Smith** made a motion which was seconded by **Commissioner Bankson** to appoint **Commissioner Velazquez** as our official voting delegate for the Florida League of Cities. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
2. Authorize the appointment of Wes Dumey to the Planning Commission for a three-year term.
Presented by: Jim Hitt

Jim Hitt, Community Development Director, said we had a gentleman, Jim Greene, who recently retired and as a result we have a vacancy on the Planning Commission. He said this request is to authorize the appointment of Wes Dumey, to the Planning Commission and stated that we're pleased to have Mr. Dumey serve and said this will be for a 3 year term.

Commissioner Nesta said when we were trying to fill this position, we discussed that geographically, within the City, we would try not to fill too many from any one area, and said there is nowhere in our Code that speaks to this. He said we need to change that or add the language to the Code so that we have a clearer definition of what we're looking for in new members as we move forward.

- a. **Motion by Commissioner Smith** and seconded by **Commissioner Bankson** to appoint Wes Dumey to the Planning Commission for a 3 year term.
 - b. Motion carried unanimously, with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
3. Authorize the Fire Chief to execute the Pre-Construction Services Contract for Station 6 with Miller Construction Management Inc.
Presented by: Chief Wylam

Chief Wylam said today we're bringing forward the CMAR Agreement for our Construction Manager at Risk for Station 6. He stated that back in 2016, we secured a contract with Miller Construction Management, Inc., as the CMAR for Station 5 and said part of that was retainment of Miller Construction as a continuing use for the pre-construction contract services. He said this company will work with our design firm, Lunz, and together they will work through the pre-construction process to establish a GMP (guaranteed maximum price) within 3-4 months. He said at this time, we're asking for authorization to execute the Pre-Construction Contract for \$29,283 with a 7% contingency.

Commissioner Velazquez asked whether this was the same design firm as Station 5 to which Chief Wylam confirmed that the design firm agreement with Lunz, was brought forth last month. He then advised that the reason for this pre-construction contract is to identify any updates between 2017, when Station 5 was built and now and said we will bring back a final GMP for your approval as well.

- a. **Mayor Nelson** asked if there were any additional questions and hearing none, he asked for a Motion to authorize the Fire Chief to execute the Pre-Construction Services Contract for Station 6 with Miller Construction, Inc.

- b. Motion by **Commissioner Bankson** and seconded by **Commissioner Velazquez** to authorize the Fire Chief to execute the Pre-Construction Services Contract for Station 6 with Miller Construction, Inc.
 - c. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.
4. Gator Grower Nursery - Site purchase request
Owner: Kenneth & Bonnie J. Sumner
Location: 27 N. Binion Road
Project: 20.13 +/- acres; (9.69 development, 10.44 acres submerged) potential Camp Wewa expansion
Project Manager: James Hitt

Jim Hitt, Community Development Director, said there's a little bit of a change up regarding the timing of the request. He said several months ago, we discussed the Gator Grower property on the North side of Shepard Lake, across the lake from Camp Wewa. He said we got an appraisal for the property and said there was an environmental assessment done and Phase I & Phase II are completed. He said, as part of this request, we're asking City Council to recommend approval to proceed with negotiation of purchase of this site, not to exceed \$800,000. He said this does not include the additional clean-up that will be required in accordance with the environmental study. He said we found out, that apparently, there's a contract to buy the property already however, in the event that contract does fall through during their due diligence, we're asking Council to authorize the negotiation of the property. He provided a map and overview of the property and described how it would complement Camp Wewa.

Mayor Nelson said we found out over the weekend, that the offer they had was firmed up and said perhaps the Phase II audit wasn't as bad as first thought. He said they're going to use the property to grow Leche Nuts. He said if anything falls through on that contract, this will provide authorization to negotiate a back-up offer.

Commissioner Velazquez asked for clarification as to whether the owner has agreed to this.

Commissioner Bankson said we're fiduciaries for the City and said he wanted to make sure that we get the best deal but also to take advantage of this opportunity as there is not any more property next to what we have now and said this will be a real benefit. He said it looks like the end expense will be about \$980,000 once we do the clean-up and removal. He stated that the value is about the same price per acre as what we purchased Camp Wewa and asked if the \$180,000 appreciation is what it should be to which Jim Hitt said it'll be pretty close.

Mayor Nelson said there's also a possibility of getting some clean-up money to help as well as some purchase money like we got for Camp Wewa and said this is the high end but said theoretically, we should be able to reduce the overall cost.

Commissioner Smith stated he is in favor of this.

Commissioner Nesta said he had a couple of comments but the fact that it's currently under contract, slows us down. He said if they have a 90 day due diligence period, are we going to need another appraisal and asked for clarification.

Jim Hitt stated typically, an appraisal is good for approximately 6 months but said if we wanted to get another appraisal, we could.

Kyle Becker, 1388 Kintla Road, Apopka, 32712, said that this will be over \$1 million dollars for this piece of property and said there are a lot of structures on this piece of property. He said he hasn't heard any plans on how to deconstruct those, to demo them or to clear them and asked what the plan was, once those are removed from the property.

- a. Mayor Nelson asked if there were any additional questions and hearing none, he asked for a Motion to authorize staff to negotiate the purchase of Gator Grower's in the event that their current contract doesn't go through, providing for a 6 month time limit.
- b. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith** to authorize staff to negotiate the purchase of Gator Grower's in the event that their current contract doesn't go through, providing for a 6 month time limit.
- c. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Nesta, Smith, & Velazquez voting aye.

Public Hearings/Ordinances/Resolution (Action Item)

1. Ordinance No. 2937 – Second Reading - Abandonment of the Kelly Park Crossing Development of Regional Impact
Owner: Kelly Park Land Investments LLC, Galvin Land Services LLC, Patriot Equestrian LLC, Pm S-1 Reo LLC, Richard J & Shirley R. Risser and Rochelle Holdings XIII LLC
Applicant: City of Apopka
Location: The interchange area of Kelly Park Road and S.R. 429
Project: 520.02 +/- acres
Project Manager: James Hitt
 - a. **Mayor Nelson** asked if there were any changes since the first reading to which, Jim Hitt stated there are none.
 - b. **Mayor Nelson** asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to adopt Ordinance No. 2937.
 - c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Nesta** to adopt Ordinance No. 2937.
2. Ordinance No. 2938– First Reading – Zoning Amendment – The Ridge Planned Development
Owners: Troy S. Bronson Family LP, Bronson Troy S Life Estate, Apopka Centerline Development, LLC, Ks Apopka Centerline Development, LLC, DRP FL, LLC, Ag Ehc li (Len) Multistate 1, LLC, And Ridge 429 Owner, LLC
Applicant: VHB c/o Erika Hughes
Location: North and south of Boy Scout Road, west SR 451, north of SR 414 and west of SR 429
Project: 407.8 acres
Project Manager: Jean Sanchez

Jim Hitt said the Ordinance number is 2938 and the applicant is VHB and said Erika Hughes is here representing the applicant. He said the property is located on the North and South of Boy Scout Road; West of SR 451; North of SR 414; and West of SR 429. He said the Future Land Use is a mix of Residential-Low with a maximum of 5 DU per acre and a Mixed-Use of 15 DU per acre in a 1.04 area ratio. He said the property is currently vacant and current zoning is Planned Development and said the property is 407.8 acres. He provided an overview of the development itself and showed the location of the stub outs for future connectivity. He said one concern staff previously had was to avoid a dead end scenario within the development. He said there was property on the NE corner belonging to the Hooper's and said we wanted to make sure there were connections both to that property and out of it so that we can create a loop system within the developments. He said along with this, there are 2 small slivers of property that are being added into it and said one is a 1/4 acre and the other is about 1 acre and said we're adding those portions in.

- a. Mayor Nelson asked if there were any changes since the first reading to which, Jim Hitt stated there are none.
 - b. Mayor Nelson asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2938 at first reading and hold over for second reading and adoption.
 - c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Nesta** to approve Ordinance No. 2938 at first reading and hold over for second reading and adoption
3. Ordinance No. 2944 – First Reading - Annexation – 2309 Ocoee Apopka Road
Owner: Ronnie B. Phillips and Wanda R. Phillips.
Applicant: Jonathan P. Huels
Location: 2309 Ocoee Apopka Road
Project: 5.7 +/- acres
Project Manager: Christian Togmus
 - a. Mayor Nelson asked if there were any changes since the first reading to which, Jim Hitt stated there are none.
 - b. Mayor Nelson asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2938 at first reading and hold over for second reading and adoption.
 - c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Nesta** to approve Ordinance No. 2938 at first reading and hold over for second reading and adoption
4. Ordinance No. 2947 – First Reading – Annexation – 3612 West Kelly Park Road
Owner: Kelly Park Self Storage, LLC
Applicant: American Civil Engineering Co. c/o John Herbert, P.E.
Location: 3612 West Kelly Park Road
Project: 4.98 +/- acres
Project Manager: Christian Togmus

- a. Mayor Nelson asked if there were any changes since the first reading to which, Jim Hitt stated there are none.
 - b. Mayor Nelson asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2938 at first reading and hold over for second reading and adoption.
 - c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Nesta** to approve Ordinance No. 2938 at first reading and hold over for second reading and adoption
5. Ordinance No. 2949 - First Reading - Approve the change in the city ordinance to allow city council to adopt sanitation fees by resolution rather than by an ordinance change.
Presented by: Michael Rodriguez
 - a. Mayor Nelson asked if there were any changes since the first reading to which, Jim Hitt stated there are none.
 - b. Mayor Nelson asked if there were any questions or if anyone from the Public wishing to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2938 at first reading and hold over for second reading and adoption.
 - c. Motion by **Commissioner Velazquez** and seconded by **Commissioner Nesta** to approve Ordinance No. 2938 at first reading and hold over for second reading and adoption

City Council Reports

1. **Commissioner Velazquez:**
2. **Commissioner Bankson:**
3. **Commissioner Smith:**
4. **Commissioner Nesta:**

City Administrator's Report

City Attorney's Report

1. **Michael Rodriguez** stated there was nothing to report at this time.

Mayor's Report

1. Update on cities diversity, equity and inclusion
2. Passage of House Bill 1431 Relating to the City of Apopka
3. Status update regarding federal grant funding for pipe replacement
4. CDBG grant funding award for sidewalk installation/replacement
5. July 4th Celebration events

Adjournment

The being no further business the meeting adjourned at 9:01 PM .

Bryan Nelson, Mayor

Attest: _____

Susan M. Bone, City Clerk