

CITY OF APOPKA

Minutes of the City Council regular meeting held on May 6, 2020, 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alexander Smith
City Attorney Joseph Byrd
City Administrator Edward Bass

ABSENT: Commissioner Alice Nolan

PRESS PRESENT: John Peery – The Apopka Chief
Teresa Sargeant - The Apopka Chief

INVOCATION / PLEDGE – Sergeant Harmon gave the invocation and led in the Pledge of Allegiance. He said from Cape Canaveral, Florida, Navy Commander Alan Bartlett Shepard Jr. is launched into space aboard the Freedom 7 space capsule, becoming the first American astronaut to travel into space. The suborbital flight, which lasted 15 minutes and reached a height of 116 miles into the atmosphere, was a major triumph for the National Aeronautics and Space Administration (NASA).

APPROVAL OF MINUTES

1. City Council regular meeting April 15, 2020

MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to approve the minutes of April 15, 2020, regular meeting. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Smith voting aye. .

AGENDA REVIEW – City Administrator Bass advised there were no changes.

PUBLIC COMMENT

Comment cards were submitted online from the following people and read into the record. Their concerns consisted of south Apopka being left behind and improvements needed in that area.

Dean Taylor
Carol Charlotte
Selina Cruz

CONSENT

1. Execute an Agreement for professional engineering services with Universal Engineering Sciences for the Golden Gem Reclaim Water Reservoir design and permitting project.
2. Authorize the acceptance of JAG Grant and intended use of grant funds.
3. Award a contract for RFP 2020-06: Apopka Airport Fuel System Upgrade.
4. Award contracts for RFQ 2020-04: Continuing Services for Transportation Planning & Traffic Engineering.
5. Authorize the issuance of blanket purchase orders for fiscal year 2020.

MOTION by Commissioner Smith, and seconded by Commissioner Becker, to approve five items on Consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Smith, voting aye.

BUSINESS

1. Expedited Construction Plan Review Process – DFL5 Apopka
Owners: Mid-Florida Freezer; BlueScope; Seefried Properties
Applicant: Paul Seefried, Seefried Industrial Properties
Location: Lot 3 and portion of Lot 4 of Mid-Florida Logistics Park
Project: 58 +/- acres; 200,000 +/- square foot industrial building for storage and distribution

David Moon, Planning Manager said most are aware an Amazon Distribution Center is proposed to occur on Lots 3 & 4 within the Mid-Florida Logistics Park. He advised they are on a fast pace and would like to be under construction in August. The applicant has requested City Council delegate authority to the Development Review Committee (DRC) to conduct final review of the Final Development Plan. This project is subject to the old code. By delegating this authority, it will save approximately 4-6 weeks in the review process to allow construction to start in August. Other applications will be before Council in June and Council will see the Preliminary Development Plan as well as an amendment to the PUD Master Plan for this project. He said a Development Agreement would likely address offsite improvements needed to accommodate the Amazon Distribution Center. The recommendation is for Council to delegate authority to DRC for final review of the Final Development Plan.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to delegate authority to DRC for final review of the Final Development Plan in order to expedite construction. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Smith voting aye.

2. Approve expenditures with All Terrain Tractor Service, Inc. for the Martin Place Phase II emergency stormwater pond rehabilitation, not to exceed amount of \$150,000.

Kevin Becotte, Director of Public Services reviewed a PowerPoint presentation on the Martin Place Phase II stormwater pond rehabilitation. He said this had not been maintained for 30 plus years. After a washout of the control structure onto Vick Road, staff investigated and determined this had not been maintained. In his presentation, he pointed out a natural stream that runs through this subdivision to the pond. He advised the earth dam failed and will need to be rebuilt. Fortunately, the City has fill to utilize from the pond at Golden Gem. They are looking into a special assessment for this project and will bring this information back to Council. The recommendation is to approve expenditures with All Terrain Tractor Service, Inc. not to exceed \$150,000.

MOTION by Commissioner Becker, and seconded by Commissioner Smith to approve expenditures to All Terrain Tractor Service, Inc. for the Martin Place Phase II emergency stormwater pond rehabilitation, not to exceed \$150,000. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Smith voting aye.

3. City Speed Hump Program
Project: Approve a City Speed Hump Program

Pamela Richmond, Transportation Planner said this is a joint effort between Community Development, Police Department, and Fire Department. They are working off Orange County's Program. She advised our old code did not allow for speed humps, but the new Land Development Code has changed so that we can utilize speed humps as traffic calming devices. She said there are four basic criteria to be met and Apopka is looking to deviate from Orange County for a requirement of 30 mph or less to qualify for a speed hump. The final criteria and document will be provided to Council to approve or disapprove.

Sergeant Harmon said he has been an officer for 17 years and has been in Traffic for 3 years. He said they receive a lot of calls regarding speeding and in some cases requests for speed humps. They have purchased a data collector that will keep track of traffic count and get speeds. They look at what time of day is the main issue so they can focus their time patrolling to make a difference. He said they will patrol and see a difference, but once their presence is no longer there, people will start speeding again. He stated is good the code has been amended to allow this. They will evaluate the area to determine if speed humps are a viable solution for the area.

Ms. Richmond reviewed the potential costs stating the total cost per speed hump would be approximately \$4,000. She said Orange County requires residents to pay for half. She said Apopka could go this route and require the residents to pay 50%; the City could pay 100%, or the residents requesting this pay 100%. At this time, there is no budget for this program. All would be brought before Council for approval and final decision.

It was the consensus to go with Orange County criteria utilizing the 50/50 concept with the discretion of 100% if deemed necessary. Mayor Nelson said they would have staff bring back the Criteria for the City of Apopka for Council to review and consider.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2747 – Second Reading - Comprehensive Plan – Text Amendment – Future Land Use Element
Applicant: City of Apopka
Project: An amendment to Policy 3.1.h of the Future Land Use Element, Residential High Density to accommodate a maximum of 25 units per acres for strategic areas of Apopka.
The Clerk read the title as follows:

ORDINANCE NO. 2747

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING POLICY 3.1.h; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager said Council held a hearing on January 15, 2020, for the first reading and transmittal of this ordinance for an amendment to Policy 3.1.h of the Future Land Use Element of the Comprehensive Plan. He advised the Department of Economic Development had one comment regarding the amendment where ne area of the City proposed for eligibility for high density residential up to 25 units per acre would automatically be assigned that designation becoming HDR-25. They advised the City needs to do a Future Land Use Map amendment to accommodate that designation for the property. The language to the policy changed to make this area of the City along 6th Street and McGee Avenue as one of the eligible areas rather than automatic. The amendment creates two components of the High Density Residential designation to an HDR-15 up to 15 units per acre, then an HDR-25, a minimum of 15 units per acre and up to 25 units per acre. He advised this is being presented to City Council due to a number of apartment developers in the market have indicated a need for higher density within areas designated for urban development. Planning staff identified five areas; 6th Street and McGee Avenue; 429 / US 441 area, formerly known as 429 West area; area south of Boy Scout Road to the west of Ocoee Apopka Road, known as the East Shore Parkway Area; area south of Florida Hospital, East Shore New Market Area; and Oak Pointe North Area. DRC and Planning staff recommended adoption of the policy with the proposed change to adopt Ordinance No. 2747.

Mayor Nelson opened the Public Hearing.

The Clerk read into the record a letter from Angela Pewsey representing herself and the Charter Oaks Homeowners Association with concerns regarding the area along 6th Street and McGee. A copy is on file in the Clerk's office.

No one else wishing to speak, Mayor Nelson closed the public hearing.

Commissioner Becker said he wanted to renew his concern when this was brought up the first reading. He stated there were five different areas here and to increase 10 dwelling units per acre because market forces have shifted causing increased density, he just does not see this. He pointed out recently built apartment complexes such as Marden Ridge and there is demand and people constructing under our current density classification. This is looking at a 10% increase in our population just off making a change from 15 to 25 units per acre. He said in the four years sitting on Council he has not seen developers not interested in developing here without this. He said whether the density is vertical or horizontal, it will require more from emergency services. He stated there is a lot of concern and he did not see a compelling piece to change our policy to do this and he cannot support.

Commissioner Bankson agreed in the area of 6th Street and McGee, but not as much in the other areas as they have more room for expansion and not effecting those in the area.

Mayor Nelson said if we do nothing, it is up to 15 units per acre and this takes it up to 25 units.

Mr. Moon said it would have to come to Council with application of a Future Land Use Map amendment and if a character of a particular area would change, City Council can say it is not compatible with the character of the area and not grant the density.

Commissioner Smith said he liked the idea of having the option to go from 15 to 25, but his only drawback is where does Council stand legally if they determine to deny 25 and hold them to the 15 units.

Mr. Hitt advised the Comprehensive Plan gives Council the ability to say no without necessarily any justification at the Comprehensive Plan. However, once at Zoning, they do not, as the land-use would have been established. He said they can do up to 15, but if needing 1 or two more dwelling units to make a project work, they can apply for it up to 25. They still have to provide the open space and recreation onsite.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to adopt Ordinance 2747 with removing the 6th Street / McGee map area from the plan. Motion carried 3-1 with Mayor Nelson, and Commissioners Bankson and Smith voting aye, and Commissioner Becker voting nay.

2. Ordinance No. 2765 – First Reading - Comprehensive Plan – Small Scale – Future Land Use Amendment
From: “County” Rural
To: “City” Commercial (Max. 0.25 FAR)
Owner: 1058 Plymouth, LLC
Applicant: GL Summit Engineering, Inc., c/o Geoff Summit, P.E.
Location: 1058 Plymouth Sorrento Road
Project: 5.92 +/- acres; 64,468 sq. ft. non-residential - “Commercial” FLU
The Clerk read the title as follows:

ORDINANCE 2765

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL TO “CITY” COMMERCIAL FOR CERTAIN REAL PROPERTY LOCATED SOUTH OF SOUTHFORK DRIVE AND WEST OF PLYMOUTH SORRENTO ROAD, COMPRISING 5.92 ACRES MORE OR LESS, AND OWNED BY 1058 PLYMOUTH, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner said the applicant is proposing a small-scale future land use amendment from County Rural to City Commercial for approximately 5.92 acres. He reviewed the subject property on a map and the surrounding land uses. The applicant is proposing to rezone the property to CN (Neighborhood Commercial) which will be the next agenda item. DRC and Planning Commission recommend approval. The recommendation is to approve Ordinance 2765 at first reading and carry over for a second reading.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Becker, and seconded by Commissioner Smith to approve Ordinance No. 2765 at first reading and hold over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners voting aye.

3. Ordinance No. 2766 – First Reading - Change of Zoning
From: T (Transitional)
To: C-N (Neighborhood Commercial District)
Owner: 1058 Plymouth, LLC
Applicant: GL Summit Engineering, Inc., c/o Geoff Summit, P.E.
Location: 1058 Plymouth Sorrento Road
Project: 5.92 +/- acres; 64,468 sq. ft. non-residential - “Commercial” FLU
The Clerk read the title as follows:

ORDINANCE NO. 2766

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM T (TRANSITIONAL DISTRICT) TO C-N (NEIGHBORHOOD COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED SOUTH OF SOUTHFORK DRIVE AND WEST OF PLYMOUTH SORRENTO ROAD, COMPRISING 5.92 ACRES MORE OR LESS, AND OWNED BY 1058 PLYMOUTH, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner said this is for the same subject property as the previous agenda item. The proposed Neighborhood Commercial District zoning is compatible with the proposed Commercial Future Land Use. DRC and Planning Commissioner recommend approval. The recommendation is to accept Ordinance No. 2766 at first reading and carry over for a second reading.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Becker, and seconded by Commissioner Smith to approve Ordinance No. 2766 at first reading and hold over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners voting aye.

4. Resolution 2020-08 - FY19/20 Budget Amendment
The Clerk read the title as follows:

RESOLUTION NO. 2020-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, PROVIDING FOR A BUDGET AMENDMENT

Jamie Roberson, Finance Director reviewed the amendments to the budget in detail as provided in the exhibit to the Resolution.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to approve Resolution 2020-08. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Smith voting aye.

5. Resolution 2020-09 – Authorize the City Council to temporary waive certain regulations in order to promote local businesses and the state’s “safe, smart, step-by-step plan for Florida’s recovery.” The Clerk read the title as follows:

RESOLUTION 2020-09

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, RECOGNIZING THE EXISTING STATE OF EMERGENCY RELATED TO COVID-19 AND THE STATE’S ACTIONS TO BEGIN THE PROCESS OF REOPENING BUSINESSES, AUTHORIZING THE CITY COUNCIL TO TEMPORARY WAIVE CERTAIN REGULATIONS IN ORDER TO PROMOTE LOCAL BUSINESSES AND THE STATE’S “SAFE, SMART, STEP-BY-STEP PLAN FOR FLORIDA’S RECOVERY,” AND PROVIDE FOR CONFLICT AND AN EFFECTIVE DATE.

Mayor Nelson said this is the Resolution the City of Edgewood approved in Friday their Mayor forwarded it to him late Friday, which resulted in the lateness of inclusion to the packet. This resolution gives the ability for restaurants to spread outside with the 25% capacity inside.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Smith, and seconded by Commissioner Becker to approve Resolution 2020-09. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, and Smith voting aye.

CITY COUNCIL REPORTS

Commissioner Bankson thanked staff for their work in getting the stop signs in at Sandpiper, stating this has been a long time coming. He said there have been several severe accidents in the area and this should help calm the traffic. He commended Sergeant Harmon and staff who worked together in handling this and he agrees with the measures taken in this area. He said Commissioner Moore, District 2, regarding Thompson Road and issues in that area, has contacted him. She is willing to work with the City to advocate in these areas.

Commissioner Bankson expressed concerns with Orange County’s decision to single out churches. He said he was concerned of the ramifications and he will continue to pursue this.

Commissioner Smith has received calls from residents of Emerson Park in reference to their entrance. He said there is a wash out there of the retainer wall. He asked to have Public Services look into this matter. He recognized teachers for all of their hard work, as this is teacher appreciation week. He acknowledged our health care workers and first responders for what they have done during this pandemic.

Commissioner Becker echoed Commissioner Smith's points. He said his life is part teacher at home over the past four weeks as many of our residents are doing the same. This is a joint effort with our teachers who want to get back in the classroom.

CITY ADMINISTRATOR REPORT

1. Financial update – Mr. Bass provided a financial update to Council stating we are starting to feel the effects as a City. He said the April payment for sales tax was \$23,000, but this is actually from the sales tax paid in February. We will start to see less as businesses have been closed during the pandemic. He said there are other sources they are watching and projecting a loss. He will come back to Council as we have more information and provide an update.

MAYOR'S REPORT

Mayor Nelson recognized Edward Bass and the City's finance team for their planning and working hard on these shortfalls, stating they have been ahead of the game.

Mr. Bass said they are about to begin construction on the fountains for Martin's Pond and the North West Recreation Pond. A completion date for construction of June 25, 2020 was been provided.

1. Coronavirus (COVID-19) Update
Mayor Nelson said Chief Wylam has provided numbers for the various zip codes and he will get these to the Commissioners. The City is doing really well in this area. Orange County has funds coming from the Federal Government for COVID-19 activities. He reported Apopka has done drive through antibody tests at the VFW and Chief Wylam and staff have done a great job putting this together. He pointed out a map designating areas of people who have been tested. Of all the tests, there has only been one positive test.
2. High School Graduation Parades
Mayor Nelson said he held a conversation with Barbara Jenkins, Superintendent of Schools regarding seniors not being able to have a graduation. He said we put together a map for NW Rec Complex for Covid-19 testing and they determined there was room for 2,000 cars so they could accommodate a parade having the graduates drive their cars through as a graduation parade. He said this would be a City Sponsored event, nothing to do with OCPS. He expressed excitement in being able to give the graduates a graduation parade and an opportunity for photos. Salem Communications is coming out for a live broadcast recognizing the graduate as they enter the park.

Mayor Nelson said the City received a proposal from Medek Health for combining block chain technology, telemedicine and a custom app to provide residents and businesses in Apopka with high-tech tools to provide a level of comfort to its residents to show safe areas from Covid-19 by tracing our testing in a HIPPA compliant manner.

Mayor Nelson reported the Prayer Breakfast Thursday morning has been cancelled. However, there will be a social distance, live streamed video prayer service in front of City Hall from 12:00 noon to 1:00 p.m. Those interested can watch the live stream on YouTube.

Mayor Nelson reported there have been two meetings of the Task Force, which was put on by the Chamber of Commerce. Approximately 30 members from the community were a part of the Task Force. Mayor Nelson said he gave them criteria as a way to balance getting back to work with safety and health we all need to protect.

3. Governor's Executive Order / Let's Restart Apopka Task Force - Gold Seal Program
He asked Council to give approval for the Apopka Gold Seal Program. This is a voluntary program for anyone who would like to be a part of it. To meet the Gold Seal Standard one must have face coverings for all employees and customers, temperatures taken for all employees and customers, and make sure they have special accommodations for seniors or those who have underlying medical conditions.

MOTION by Commissioner Smith, and seconded by Commissioner Becker to adopt and approve the Gold Seal Program. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Smith voting aye.

Mayor Nelson advised on Thursday, May 14, 2020, 10:00 a.m. to 3:00 p.m. United Against Poverty will be at the VFW to sell produce, eggs, and various foods at cost.

Mayor Nelson said July 4 is an upcoming event and asked Council's input. He stated they can wait until the end of the month to cancel the contract and can wait until the next meeting to make this decision. It was the consensus of Council to open garage sales for individual homeowners with the appropriate social distancing.

Mayor Nelson said the Apopka Youth Work Program has been pushed back so that it would start just before school. It was the consensus of Council to move forward as it is incumbent upon the employer to have safe work environments. Other events include:

Summer Camps: - consensus to wait to make a determination

Memorial Day Service – consensus to move forward as this is an outdoor event with the ability to distance.

Friday Night Concert – consensus to cancel since there is only one left for this season.

Farmer's Market - consensus to contact the company and start with criteria and social distance measures met

4. Attorney status
Mayor Nelson introduced Michael Rodriguez and said some of the Commissioners have had an opportunity to talk with him. He requested Council ratify his appointment as City Attorney.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to ratify Mayor Nelson's appointment of Michael Rodriguez as City Attorney. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Smith voting aye.

Mayor Nelson advised the City would be receiving COVID-19 funds from Orange County that will cover all testing including the officers and firefighters required for the testing. Anything related to COVID is covered.

ADJOURNMENT – There being no further business the meeting adjourned at 4:18 p.m.

ATTEST:

Bryan Nelson, Mayor

Linda F. Goff, City Clerk