

CITY OF APOPKA

Minutes of the regular City Council meeting held on May 2, 2018, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Kyle Becker
Commissioner Doug Bankson
Commissioner Alice Nolan
Commissioner Alexander Smith
City Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: John Perry - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: - Mayor Nelson introduced Pastor Michael Williams, Pentecostals of Apopka, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson called on Apopka High School student Gracie Darlington, SGA President, who led in the Pledge of Allegiance.

Mayor Nelson said we were going bring in a student each Commission meeting to do our history lesson, a long tradition for the City of Apopka.

Ms. Darlington said on this day, May 2, 1776, both the Nations of France and Spain donated arms to the American Colonists in their fight against the British for our Independence.

APPROVAL OF MINUTES:

1. City Council regular meeting April 4, 2018
2. City Council regular meeting April 18, 2018

MOTION by Commissioner Becker and seconded by Commissioner Bankson to approve the minutes of April 4, 2018, and April 18, 2018, as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

AGENDA REVIEW: No changes.

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Joann Castillo, President of Apopka Women's Club, said she would like to thank the City staff, Commissioners, and Mayor for all of their help last weekend during the Art and Foliage Festival making it such a success.

Ray Shackelford said he applauded the Mayor and Commissioners dedication and sacrifices, stating he looked forward to the City of Apopka being for all citizens and all community. He proposed for their consideration a strategic plan that embraces more than a two month fund balance at 17%; he

proposed naming two projects in honor of retired Vice Mayors Billie Dean and Bill Arrowsmith. He proposed review of the recreation programs and services that will embrace opportunities for all young people within the City. He proposed a public/private partnership to establish a wall of difference recognizing citizens of Apopka who seek to make things better for all communities. He said this would entail a plaque within City Hall and an annual reception recognizing these people in March. He stated he hoped this Council would embrace a CRA Citizen Advisory Board and look at the possibility of having a Charter Review Committee.

Employee Recognition:

- ❖ Five Year Service Award – Terrence “Terry” Griffin – Public Services/Cemetery. The Commissioners joined Mayor Nelson in congratulating Terry on his years of service.
- ❖ Five Year Service Award – Erin Arnold – Community Development. The Commissioners joined Mayor Nelson in congratulating Erin on her years of service.
- ❖ Ten Year Service Award – Ryan McNeely – Public Services/Utility Construction. The Commissioners joined Mayor Nelson in congratulating Ryan on his years of service.
- ❖ Ten Year Service Award – Brian Liszcz – Recreation/NWRF Grounds. Brian was not present and will be presented his award at another time.
- ❖ Ten Year Service Award – David Odom – Public Services/Grounds. David was not present and will be presented his award at another time.
- ❖ Fifteen Year Service Award – Ryan Leonard – Public Services/Utility Construction. The Commissioners joined Mayor Nelson in congratulating Ryan on his years of service.
- ❖ Twenty Year Service Award – Kenneth “Kenny” Kaiser – Police/Field. The Commissioners joined Mayor Nelson in congratulating Kenny on his years of service.
- ❖ Twenty-five Year Service Award – Robert “Rob” Hippler – IT/Computer Services. The Commissioners joined Mayor Nelson in congratulating Rob on his years of service.

Chief McKinley introduced seven new police officers:

- Brian Kennedy, Jr.
- Austin Bitter
- Emmanuel Sosa
- Matthew Barreto
- Miranda Wrinkle
- Katie Calamo
- Jacob Miller

CONSENT

1. Accept and update signatories with Florida Community Bank.
2. Authorize staff to negotiate rates and award two surveying and mapping continuing service contracts.

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

BUSINESS (Action Item)

1. Final Development Plan – Vistas at Waters Edge. Project: M/I Homes of Orlando, LLC –

Location: south of Hooper Farms Road, west and north of Binion Road, and west of Harmon Road.

Bobby Howell, Senior Planner, said this request is to approve a Final Development Plan (FDP) for the entire Vistas at Waters Edge subdivision and for a Plat of Phase 1 of the subdivision. He reviewed the location of the project and advised that in May 2017 the Council approved the Final Development Plan and Plat for the entire subdivision which proposed a development of the subdivision with public streets. He advised the infrastructure is in the process of being constructed. The applicant submitted a revised FDP proposing a gated development in two phases with private streets and a Plat for Phase 1. DRC recommends approval and at their meeting of April 10, 2018, the Planning Commission recommended approval.

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

MOTON by Commissioner Bankson, and seconded by Commissioner Becker, to approve the Final Development Plan Vistas at Waters Edge and the Plat for Phase 1. Motion carried unanimously with Mayor Nelson, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2617 – Second Reading - Comp Plan Amendment – Large Scale
Project: Laura Murphy – Location: 359 West Lester Road. The City Clerk read the title as follows:

ORDINANCE 2617

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 AGRICULTURE TO RESIDENTIAL LOW SUBURBAN (0-3.5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 359 WEST LESTER ROAD OWNED BY LAURA R. MURPHY; COMPRISING 19.94 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, said this was a future land use amendment to change the land use from Agriculture to Residential. He advised the applicant, AVEX Homes, was present to answer any questions. He stated the property contained approximately 19 acres and reviewed the location of the property, as well as surrounding land use. The Planning Commission recommended approval at their January 9, 2018 meeting and found it consistent with the Comprehensive Plan. He advised this was transmitted to the State agencies following the first reading and the state had no objections. Staff recommends adoption of Ordinance 2617.

Commissioner Nolan inquired if the applicant has discussed with the Avian Center as to what

precautions they could take as they build, to which Commissioner Becker said he had the same concerns during the first reading and it is being addressed.

Luke Classon, Apian Engineering, advised they have coordinated with the Avian Center and they are discussing different fence types and landscaping for buffer.

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 Nolan, to adopt Ordinance No. 2617. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

2. Ordinance No. 2644 – First Reading - Change of Zoning. Project: Spirit SPE Portfolio CA C-Stores, LLC – Location: 1305 West Orange Blossom Trail. The City Clerk read the title as follows:

ORDINANCE NO. 2644

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE 2292, WHICH AMENDS THE ADOPTED “RACETRAC PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN” FOR CERTAIN REAL PROPERTY LOCATED AT 1305 WEST ORANGE BLOSSOM TRAIL, COMPRISING 2.94 ACRES MORE OR LESS; OWNED BY SPIRIT SPE PORTFOLIO CA C-STORES, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Nelson announced this was a quasi-judicial hearing.

Mr. Howell said this request was to amend Ordinance 2292 to amend the PUD Master Plan in order to create two lots. He reviewed the location of the property which is the site location of a gas station and convenience store. He reviewed the zoning of surrounding properties. He applicant is requesting to create two lots and split the property so that the second lot can be sold in the future. He advised there will be a 6 foot masonry wall behind the gas station along the entirety of the rear of the property that abuts residential development. He reported the applicant is requesting three deviations from the City’s required development standards. They are requesting to allow a joint 5-foot wide landscape buffer between lot 1 and lot 2 in lieu of the required 5-foot wide landscaping on both lots. The applicant is justifying the deviation since both lots consist of commercial uses. The panhandle will remain open space and there will be access allowed on Old Dixie Highway from this. The second deviation is to allow reduction in width of the maintenance berm around the perimeter of the stormwater pond to 5-feet with fencing. He advised this is a dry retention pond. The applicant justifies this application as there will be a concrete wall along the rear of lot 2 setback 10-feet from the property line due to an existing easement. The third deviation is to allow parking located in the front of the building. He advised there were several conditions of approval in the ordinance that the applicant has agreed to. DRC recommends approval and on April 10, 2018, Planning Commission recommended approval.

Tom Sullivan with Grey Robinson, said he was here on behalf of the property owner. He said they appreciate staff's presentation and he was present to answer any questions.

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 Ordinance No. 2644 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

3. Resolution 2018-07 for the DOT Railroad Reimbursement Agreement for S. Highland Ave. The City Clerk read the title as follows:

RESOLUTION NO. 2018-07

A RESOLUTION OF THE CITY OF APOPKA, FLORIDA, AUTHORIZING THE MAYOR TO SIGN A RAILROAD REIMBURSEMENT AGREEMENT FOR THE CONSTRUCTION OF RAILROAD GRADE CROSSINGS, INSTALLATION OF TRAFFIC CONTROL DEVICES RAILROAD GRADE CROSSINGS, AND FUTURE MAINTENANCE AND ADJUSTMENT OF SAID CROSSINGS AND DEVICES; PROVIDING FOR THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Jay Davoll, Public Services Director, said the City was contacted by DOT regarding putting a crossing gate at South Highland. The only cost to the City will be the annual maintenance cost. The actual construction is taken care of by DOT and CFX.

Mayor Nelson said he served on the MetroPlan Board and they have been upgrading crossings from freight to passenger. He asked since this is being put in new to request it be upgraded to passenger rail standards.

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 Nolan, to approve Resolution No. 2018-07 and request DOT to upgrade the crossing to a passenger rail standard. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

CITY COUNCIL REPORTS

Commissioner Becker welcomed Mayor Nelson and Commissioners Nolan and Smith and said he looked forward to serving with them. Commissioner Bankson reiterated this sentiment.

MAYOR'S REPORT

Mayor Nelson said we needed a Vice Mayor and said Council would need to vote on a Vice Mayor.

Commissioner Becker said he certainly would not lobby for this, but it is a position that obviously he and Commissioner Bankson would enjoy and take serious ownership of.

Mayor Nelson asked for a motion. In the absence of a motion, Mayor Nelson flipped a coin and asked Becker to call, which he called tails. The coin toss was heads.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith that Commissioner Bankson be the Vice Mayor. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

ADJOURNMENT – There being no further business the meeting adjourned at 2:18 p.m.

ATTEST:

_____/s/_____
Linda F. Goff, City Clerk

_____/s/_____
Bryan Nelson, Mayor