

CITY OF APOPKA

Minutes of the regular City Council meeting held on April 17, 2019, at 7:00 p.m., in the City of Apopka Council Chambers.

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

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

INVOCATION: - Mayor Nelson called on Pastor Waldemar Serrano of Bethany World Ministries to give the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson introduced Edith Nolan who led in the Pledge of Allegiance. She said in April 1882 James Speer, owner of the Apopka Canal Company reported he had dredges working from both Lake Apopka and Lake Dora to create a canal and it should be complete within 30 days. After 9 years of financial issues and problems, James sold his shares of Apopka Canal Company to Delta Canal Company in 1891. Delta Canal Company completed the project in 1893 and opened a waterway from Lake Apopka through Lake Dora and Eustis to Oklawaha River. The work consisted of 12 miles of canals, 20 feet wide and from three to 9 feet deep and 32 miles of lateral ditches to drain the sawgrass lands. The surface of Lake Apopka was lowered 4-feet.

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

PROCLAMATIONS:

1. Mayor Nelson read a proclamation recognizing Denim Day supporting Survivors of Sexual Violence and presented it to the Victim Service Center of Central Florida.
2. Mayor Nelson read a Proclamation for Wekiva High School Girls Basketball Team recognizing them for winning the State Championship. He presented the proclamation to the Coach and recognized the team.

Mayor Nelson recognized Christine Moore, County Commissioner, District 2; Gary Huttman, Executive Director of MetroPlan; Nick Lepp, MetroPlan Orlando; Christine Lofye, Orange County Traffic Engineering Division; Renzo Nastasi, Orange County Transportation Planning Division; and Hatem Abou-Senna, Orange County Transportation Planning.

***Correction: APPROVAL OF MINUTES: MOTION by Commissioner Bankson and seconded by Commissioner Nolan to approve the minutes of March 20, 2019 and April 3, 2019. Motion carried unanimously.*

PRESENTATIONS:

1. Rock Springs Road & Welch Road intersection improvement options

Pam Richmond, Transportation Planner, said she was here to present an overview of the conditions at the intersection of Rock Springs Road and Welch Road and make suggestions on how to best move forward. She said the City conducted a study in 2016 that evaluated the existing conditions of this intersection. Last year this project was added to MetroPlan Orlando's project priority list, which is the first necessary step to receiving funding from the state or federal governments. Discussions began with Orange County staff regarding the intersection at that time. She said that generally speaking, Rock Springs Road at the north of the intersection and Welch Road east of the intersection are under Orange County. Welch Road west of the intersection is under the City of Apopka. Rock Springs Road south of the intersection is maintained by Orange County, but the City has responsibilities pertaining to the road right-of-way. The control and maintenance of the signal is under the control of the City. She showed the existing development surrounding the intersection. The north and southbound lanes at this intersection have two through lanes and a left turn lane, east and west bound has a right turn lane, left turn lane and a through lane. She said turning movement volumes were collected last month and showed areas and times representing failing movements at the intersection. She affirmed the intersection is over capacity and according to Orange County calculations; it is 23% over capacity. She said looking specifically at the southbound volumes, when you reach 300 indicates you need to consider dual turns. She played videos of the peak traffic times. Additional issues involve utility poles and transmission lines in the road right of way. She advised since 2014 there have been 134 reported crashes in this area.

Hatem Abou-Senna, Orange County Transportation Planning said this intersection is currently operating over capacity with level of service F during both morning and evening peak hour conditions. He stated they conducted an operation analysis with existing counts and signal timings to replicate what is happening in the field and to understand the issues. He affirmed most of the traffic is commuter traffic. He said they came up with some short-term improvements and long-term improvements. The short-term improvements can be implemented right away with minimum costs. Long-term improvements would require detailed engineering studies to identify right of way, drainage, or utility relocations along among other issues. He stated in the morning the southbound left is the main problem and recommended increasing the length of the turn lane to prevent the southbound lane from being blocked. They also wanted to increase the capacity in the westbound right turn for the evening peak hours. He also recommended making the through lane into a shared through/right lane. Finally the recommend retiming of the signal assigning more time to the critical movements. He reiterated these would be immediate improvements with minimal costs. He reviewed long-term improvements stating there are two components, which is signal timing and geometry, so they recommend increasing capacity by adding more lanes at the intersection for long-term improvement. Dual southbound and northbound turn lanes that would require more right of way and the requirement of a receiving lane in the eastbound direction of Welch Road. For the westbound traffic from Welch Road he recommended increasing the right turn by 100 feet and convert the exclusive right turn lane to make it a shared through/right lane. He advised the evening peak has the most critical condition as it has two conflicting movements with southbound left and northbound through as well as westbound left operating at a level of service D. He reviewed the summary analysis stating the morning peak improved drastically with the short-term improvements, but the evening peak would still need improvements.

Following discussion, Ms. Richmond suggested completion could be accomplished of short-term solutions could be accomplished within six months. Long-term corrections would take three years or longer.

Christine Moore, County Commissioner, District 3 said she took office December 4, 2018 and by December 13, 2018, she was asking many of the questions being discussed. At first, she thought all of Welch Road needed to be widened, but this cost was in the \$25 million range due to the high cost of moving utility lines. She pointed out that she and Mayor Nelson both serve on the regional MetroPlan, which prohibits them from being able to discuss this. She said she knows the County would be interested in a joint planning agreement with the City and cost sharing to fund these improvements. She encouraged Mayor Nelson to invite Gary Huttimann from MetroPlan to talk about the possibilities of MetroPlan helping with the financing of the study.

Gary Huttman, Executive Director MetroPlan said the timing was very good for this, as they are in the budget season. MetroPlan has a 2-year working budget and this year they are entering the second year. This funding would be a budget amendment going before the MPO Board. He said this would be one method to get the study funded. Another is what they refer to as their priority list. He affirmed these are the type of improvements the agency likes to take on with partners.

2. Apopka Historical Society - Apopka Schoolhouse Sign

Commissioner Nolan recognized the 2109 Historical Society President, Francina Boykin. She introduced Dr. Olmstead who will be presenting the Schoolhouse Historical Sign that she, the late Belle Gilliam, the late Mayor John Land, and Fire Chief Carnesale have been working on.

Dr. Olmstead said this started a long time ago with Ms. Belle Gilliam wanting to get this sign completed and dedicated. She said she researched hundreds of years of documents to put together the research needed. She and Chief Carnesale were on a video conference with the state to get this through and approved. She reviewed a photo of the sign and the language that will be on the sign.

Chief Carnesale said this was a long time coming, stating in 2014 he received a phone call from Mayor Land to go out and he pointed out in the cemetery where the first schoolhouse was and where the Baptist Church was located. He said thanks to Susan Bone, Deputy City Clerk, and Dr. Olmstead they got this approved. He pointed out that the marker for the center of Section 10, which is most of Apopka is in the cemetery.

Francina Boykin said she was happy to see this come to fruition and thanked the volunteers and Dr. Olmstead for her relentlessness. She stated Apopka has a rich history and they will have more signs to come.

MOTION by Commissioner Nolan and seconded by Commissioner Becker to approve placement of a historical marker in the Edgewood/Greenwood Cemetery for Apopka Schoolhouse. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC COMMENT:

Erica Hoyt read a letter into the record stating she was here to confirm or expel comments regarding replacement of Fire Chief Carnesale. She spoke in support of Chief Carnesale stating he demonstrated integrity and commitment to the City of Apopka. She fully supported keeping Chief Carnesale as Fire Chief.

Mayor Nelson said there have been many social media posts stating he was going to fire both the Fire Chief and Police Chief. He stated this was not true neither the Fire Chief nor Police Chief were being removed.

Commissioner Becker said he could not agree with Ms. Hoyt's comments more. He stated speaking 20% as Council and 100% as a resident of this City, Chief Carnesale is an asset for the City of Apopka and has his full support.

Willie Bell said he was here as a concerned citizen regarding property that is overgrown in the areas of Hawthorne Avenue, Michael Gladdin Boulevard, and Washington Avenue. He said he sees and hears accidents happen in this area often and the unpleasure experience of seeing someone die there. He said this property prohibits being able to see when coming into Apopka through the curve on Michael Gladdin. He asked that the City and County work together to get enough of this property cleared so to provide good sight for traffic.

Mayor Nelson asked that he send an email to himself and Commissioner Moore so they can work to have this cleared. Chief McKinley added he would work with the Public Services Director and City Engineer to see what we can do to get this cleared back.

Peggy Cook said she spoke with Mayor Nelson Monday morning regarding rumors about Chief Carnesale. She stated she has known Chief Carnesale for 33 years and expressed her full support for Chief Carnesale.

David Hoffman said the Rock Springs Ridge Community is faced with an existential threat to its character, identity and value because of Mr. Delaroso's plan to build 244 new smaller and more congested homes on what they use to call the south nine. He declared the Rock Springs Ridge homeowners would fight this assault. He stated this crisis would test their community, the HOA Board, Mayor and Commission, David Moon and the Planning Commission.

Misha Corbett also spoke in support of Fire Chief Carnesale and spoke of her son and how he looks up to Chief Carnesale. She said the City of Apopka's Fire Department is the best of anywhere. They are always in the community and at various events volunteering and giving of their time and support.

Rod Olsen spoke of his concerns regarding the overcrowding of our schools. He said the status is not fair, not safe, and not in the best interest of our children, teachers, administrators, police, and fire teams. He said the new housing developments will only add more stress, potential liability, human and financial costs. He stated we need to act now to correct overcapacity. He spoke of portables and the cost to install them. He said Apopka schools house 37 and 29% of overcapacity for the entire County. He said Apopka is projected to get one school in 2026. He said the City needs to demand Orange County School Board (OCSB) stop transfer of students to our overcapacity schools and they need to demand a meeting before the OCSB to formally address the Apopka school

overcrowding. He suggested Council start today by not approving any new housing developments until OCSB commits to building a school in Apopka. He also spoke in support of Chief Carnesale and his leadership.

CONSENT

1. Authorize the disposal of surplus equipment/property and removal of asset property from the city asset list.
2. Accept and acknowledge a rollover certificate of deposit with Seacoast Bank.
3. Authorize the purchase of additional attachments and safety upgrades for the Caterpillar Backhoe through the Florida Sheriffs Association Contract.
4. Approve budgeted City Hall renovations for the Community Development Department; atrium entrance area; and wall height addition between Human Resources and the City Clerk's office.
5. Authorize an assignment and assumption of contract with ENCO utility Services for the utility billing printing & mailing contract.
6. Award a contract for the construction of a parking lot located at the NW Recreation Complex.
7. Authorize the issuance of blanket purchase orders.
8. Accept the March 2019 Disbursement Report.

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

BUSINESS

1. Plat - Centerpoint Retail Apopka
Project: RDP 9, LLC c/o Robert T. Gierke, Manager
Location: 1120 West Orange Blossom Trail

Jean Sanchez, Planner, reviewed an aerial of the property and said this was to divide one parcel into two lots. One lot for the IHOP Restaurant and one lot for the AutoZone Store. The Final Development Plans were approved September 5, 2018, with consideration to a future creation of lots for each building. Each lot will have access to U.S. 441 via a cross-access easement through the Verizon Store to Lake Doe Boulevard and two other access points will be available through cross-access easement across the IHOP property. She advised right and left turn warrant analysis were conducted for the site entrances on U.S. 441 and concluded that turn lanes are not needed to safely accommodate project traffic. The DRC and Planning Commission recommend approval.

Commissioner Becker said when they reviewed the final development plan the motion was to approve with the desire for the applicant to put in turn lanes from U.S. 441 onto their property assuming FDOT had no objections. He requested to have proof that FDOT declined to have a turn lane put in.

Ms. Richmond affirmed she asked FDOT twice, first asking if they had looked into a turn lane to which they responded they had not. She asked that they look at this and came back with a negative response and she asked them to please reconsider this again as it was a Council concern

for safety. She stated she had an email chain that she would look for and if not she would get this in writing from FDOT that they did not feel this was needed in that location.

Rodney Rogers, Rogers Engineering, said as staff reported when they designed the site it was contemplated it would become two separate lots and it was designed to stand alone on each lot with open space drainage, landscape requirements and other requirements as well as the cross access easements. He confirmed that he was involved in a couple of the conference calls with FDOT and Ms. Richmond did go through with requests on the turn lane, and requesting from FDOT regardless of the traffic studies to install a turn lane. Mr. Rogers affirmed they did discuss a right turn taper, but there is only 11-feet of right of way and power poles so there was not enough spacing. He reiterated there was a concerted effort by staff and said there is documentation from FDOT that they specifically addressed the right turn lane and not permitting it. He requested approval of the plat division.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to approve the Centerpoint Retail Apopka Plat. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2703 – Second Reading – Comprehensive Plan – Small Scale – Future Land Use Amendment from “County” Rural (FLU-IP) to “City” Mixed Use
Project: CHS Management Corp.
Location: East of Plymouth Sorrento Road, north of Ponkan Pines Drive
The City Clerk read the title as follows:

ORDINANCE NO. 2703

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” MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD AND NORTH OF PONKAN PINES DRIVE, COMPRISING 6.97 ACRES, MORE OR LESS AND OWNED BY CHS MANAGEMENT CORP.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner advised there have been no changes since the first reading on April 3, 2019.

Mayor Nelson opened the meeting to a public hearing.

Deborah MacLaughlin said her property is surrounded on three sides by CHS Management’s property. She stated staff was very helpful recently and provided information requested about the rezoning of their property. She said she remained confused about this process and whether it would constitute spot zoning, as she did not believe any other surrounding properties are zoned mixed-use. Within the information provided were the results of a northwest study from April 2000. Comments in the study were that Apopka residents wanted to keep the rural look,

limit mega subdivisions, limit the density to single-family homes, not apartments, while controlling growth and preserving the area. Traffic problems were also discussed. She stated she personally did not believe Plymouth-Sorrento Road will be able to accommodate safely the constantly increasing traffic. She recently read the Planning Commission approved another 20-acre parcel and the building of 61 more homes off of Plymouth-Sorrento Road. She declared once over developed, there is no going back. The trees and animals will be gone and it will be just like living in Orlando. She asked that the City help them and remember them as changes are being made since they are longtime residents and business owners. She will continue to attend and oppose the dense development of the property that in her opinion should have remained zoned agriculture.

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

Jonathan Huels, representing the applicant concurs with staff recommendations. He said this is very early in this process and there will be five more public hearings before there is a site plan with a lot of dialogue prior to moving forward. The properties before Council has mixed-use designation on three sides. This meets the character of adjacent properties and will allow for unified development to come in the future. There is no specific plan at this point. He asked Council to approve this and he is available for any questions.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to adopt Ordinance No. 2703. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Ordinance No. 2722 - Second Reading - Amending Chapter 18, Section 18-122 of the Municipal Code of Ordinances - The City Clerk read the title as follows:

ORDINANCE NO. 2722

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI., FIRE CODES AND STANDARDS, SECTION 18-122, AMENDMENT TO SECTION 13.3.1.2 OF THE FLORIDA FIRE PREVENTION CODE (NFPA 1) OF THE APOPKA MUNICIPAL CODE; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Chief Carnasale said there have been no changes since the first reading.

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 Smith, to adopt Ordinance No. 2722. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Ordinance No. 2717 - First Reading – Change of Zoning; assignment of Overlay District; approval of Master Plan from “City” R-1AAA to “City” KPI-MU (Kelly Park Interchange Mixed Use)

Project: Min Sun Cho, Hong S. Kim and Deok H. Kim – The Reserve at Kelly Park
Subdivision

Location: 4068, 4046, 4022 Plymouth Sorrento Road

The City Clerk read the title as follows:

ORDINANCE NO. 2717

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “CITY” R-1AAA (REIDENTIAL SINGLE-FAMILY DISTRICT) TO “CITY” KPI-MU (KELLY PARK INTERCHANGE MIXED-USE DISTRICT), AND ASSIGNING A KELLY PARK INTERCHANGE NEIGHBORHOOD OVERLAY DISTRICT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF PLYMOUTH SORRENTO ROAD AND APPY LANE, COMPRISING 19.97 ACRES MORE OR LESS, AND OWNED BY MIN SUN CHO, HONG SIK KIM, AND DEOK HWA KIM; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Ms. Sanchez said this is a request to change zoning for the mentioned properties from R-1AAA to KPI-MU Neighborhood Overlay District. She reviewed the location of the subject properties and said they fall within and on the southern edge of the Kelly Park Interchange Form Base Code area Neighborhood Overlay District. The plan proposes development of 61 single family homes on 50 and 55 foot wide by 110 foot depth lots with a minimum living area of 1600 square feet on over 19 acres. There are no minimum lot size or living area requirements in the Form Base Code. Access to this site is via Plymouth-Sorrento Road. A 30 foot wide right of way dedication is provided adjacent to the 25 foot wide landscape buffer on Plymouth-Sorrento and a 25 foot wide right of way dedication is also provided on the southernmost portion of the project for future access and connection to properties to the south. Approximately 4.3 acres are dedicated to open space or recreation. DRC and Planning staff recommend approval of the proposed rezoning. The Planning Commission recommends approval of the proposed zoning. The recommended motion is to approve the proposed zoning Overlay District and Master Plan and accept the first reading and hold over for second reading and adoption.

In response to Commissioner Becker inquiring if 15 feet setback was in the Form Base Code, Ms. Sanchez advised the minimum in the Form Base Code was 15 feet and 30 feet is the maximum.

Mr. Moon advised the consultant that prepared the Form Base Code for this type of community placed building closer to the street creating a walkable community.

Discussion ensued regarding the possibility of 15 feet to the entrance of a garage and fitting vehicles in the driveway. Mr. Moon said there was a change in engineers and after meeting with Orange County Government and their requirement of 30 feet of right of way and the City

Commissioners interest in having a 25 foot buffer along the roadway, the applicant was able to maintain a 25 foot buffer along the roadway, moved the open space closer to the roadway to keep homes away from the intersection.

Christian Swann, President of Surrey Homes and applicant said they concur with staff comments. He said the garage is setback 5-feet making the driveway 20-feet. He said the intent is to build similar to the Silver Oak subdivision previously approved.

Commissioner Becker said he would make a motion to table to May 1, 2019.

City Attorney Byrd suggested placing a condition regarding the length of the driveway rather than table to a date certain so that it does not have to go back through Planning Commission.

Discussion ensued and the consensus of the Commission was to have staff look at amendments to the Form Base Code with regards to setbacks and length of driveways.

Following discussion Mr. Swann agreed to the driveway being 22-feet and a 5-foot setback of the garage for a total length of 27-feet. He explained the initial plan with rear loaded lots and rear alley created a problem with drainage and they were forced to abandon that plan with the drainage and right of way requirements. In addition, they lost 24 lots.

Commissioner Becker agreed to withdraw his motion to table with the stipulation of the 22 foot setback and 5 foot garage setback for a total of 27 feet.

Mayor Nelson opened the meeting to a public hearing.

Rod Olson said back to schools, this is 61 houses and in Orange County Public Schools terms is 20 new students and that equals one more portable. He stated this has to come into consideration somewhere. He declared Orange County Public Schools indicated in a meeting that they rubberstamp all new developments. He stated someone needs to be held accountable.

David Hoffman asked for a point of clarification, stating he heard we have a new Land Development Code. He stated two years ago at the Rock Springs Ridge community meeting a city official stated the city was moving forward with a way to make it easier to change a PUD. He asked if this was true. He said the elephant in the room is what is happening to our schools.

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

Commissioner Becker asked the attorney if hypothetically the vote is no, and the City of Apopka is not going to approve any future residential development until Orange County Schools changes their ways, what is the potential action the applicant takes.

City Attorney Byrd said the role of the Commission is limited because this is quasi-judicial. The Commission can only make decisions based upon confident substantial evidence. Their sole role is to determine does the applicant meet specifically the Land Development Code. If they have met the issue as it relates to Orange County Schools, Concurrency and all of those matters, if denying on that issue alone, it is not considered substantial confident evidence. He advised it would be able to be overturned. He reiterated in this case, Council has been advised

to make conditions rather than table. He declared the chance to defend a decision to deny based on schools is nil.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve Ordinance No. 2717 at first reading and carry over for a second reading with the caveat of the driveway being 22 feet and a 5-foot setback of the garage for a total length of 27 feet. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

11. Resolution 2019-10 - FY18/19 Budget Amendment
The City Clerk read the title as follows:

RESOLUTION NO. 2019-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019, PROVIDING FOR A BUDGET AMENDMENT.

Jamie Roberson, Finance Director reviewed the budget amendments totaling \$22,046.

MOTION by Commissioner Smith, and seconded by Commissioner Bankson, to approve Resolution No. 2019-11. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

CITY COUNCIL REPORTS

Commissioner Becker inquired about Martin's Pond.

City Administrator Bass reported it was sprayed today and will be monitored. Also carp will be placed in the pond in the near future to naturally control algae.

CITY ADMINISTRATOR'S REPORT

City Administrator Bass reported the Alonzo Williams Community Center foundation was poured and the building should be complete by the end of August. He said the basketball courts were under construction and have a deadline to meet as per the grant compliance.

CITY ATTORNEY'S REPORT

1. Lawsuits/Settlements

Joseph Byrd, City Attorney, reviewed a settlement in the Bronson vs City of Apopka case. He explained this was a case where there was a water main break and the loss of citrus trees.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to accept the settlement for the Bronson vs City of Apopka case and approve the City paying \$25,000 of this settlement. Motion carried 4-1 with Mayor Nelson, and Commissioners Bankson, Smith, and Nolan voting aye, and Commissioner Becker voting nay.

City Attorney Byrd said this was a worker's comp case that can be settled for \$90,000. The City's deductible is \$300,000 and while the possibility of winning this case, we could

potentially spend the entire \$300,000 in expenses to take it to court. The recommendation is to settle for \$90,000.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to approve the settlement for the worker's comp case for \$90,000. Motion carried 4-1 with Mayor Nelson, and Commissioners Bankson, Smith, and Nolan voting aye, and Commissioner Becker voting nay.

MAYOR'S REPORT – Mayor Nelson reported the Apopka Youth Council is in need of employers for students for the summer. He reported the new mowing contract starts tomorrow.

Mayor Nelson advised t-shirts for the Apopka Proud Concert go on sale Friday and they are \$20.

ADJOURNMENT: There being no further business the meeting adjourned at 10:09 p.m.

ATTEST:

Bryan Nelson, Mayor

Linda F. Goff, City Clerk