CITY OF APOPKA

Minutes of the City Council regular meeting held on April 15, 2020, 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

INVOCATION – Joseph Byrd, City Attorney, provided the invocation.

PLEDGE – Joseph Byrd, City Attorney led in the Pledge of Allegiance and provided the fact of the day. He said on April 17, 1970, with the world anxiously watching, Apollo 13, a U.S. lunar spacecraft that suffered a severe malfunction on its journey to the moon, safely returned to Earth. On April 11, 1970, the third manned lunar landing mission launched from Cape Canaveral, Florida, carrying astronauts James A. Lovell, John L. Swigert, and Fred W. Haise. The mission headed for a landing on the Fra Mauro highlands of the moon. However, two days into the mission, disaster struck 200,000 miles from the Earth when oxygen tank No. 2 blew up in the spacecraft. Swigert reported to mission control on Earth, "Houston, we have a problem here," and it was discovered that the normal supply of oxygen, electricity, light, and water had been disrupted. The landing mission was aborted, and the astronauts and controllers on Earth scrambled to come up with emergency procedures. The crippled spacecraft continued to the moon, circled it, and began a long, cold journey back to Earth. The astronauts and mission control were faced with enormous logistical problems in stabilizing the spacecraft and its air supply, as well as providing enough energy to the damaged fuel cells to allow successful reentry into Earth's atmosphere. Navigation was another problem, and Apollo 13's course was repeatedly corrected with dramatic and untested maneuvers. On April 17, 1970, tragedy turned to triumph as the Apollo 13 astronauts touched down safely in the Pacific Ocean.

APPROVAL OF MINUTES

1. City Council regular meeting April 1, 2020.

   MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the minutes of April 1, 2020, regular meeting. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

AGENDA REVIEW –. City Administrator Bass advised that there were no changes to the agenda. However, he pointed out that under Public Hearings, Item 1 has been postponed to a date certain of May 20, 2020.

PROCLAMATIONS:

1. Denim Day Proclamation supporting survivors of sexual violence on behalf of Victim Service Center of Central Florida.

Mayor Nelson read the proclamation and said the director of the Victim Service Center of Central Florida would have been here to receive this proclamation if not for the Covid-19 Pandemic.

2. April as Water Conservation month on behalf of SJRWMD.

   Mayor Nelson said hat Susan Davis, the Intergovernmental Coordinator of the SJRWMD would've been here to receive this proclamation but for the Covid-19 Pandemic and then read the proclamation aloud.

PUBLIC COMMENT: There was no Public Comment.

CONSENT:

1. Accept the disbursement report for March, 2020.

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

BUSINESS:

1. Approve the change order from Motorola for the Public Safety North Tower Site.

   Rob Hippler, IT Director, provided the basis for the change order is due to the ratio for the support guy wires at the base of the tower. He stated that the guy wires need to be 190 degrees from the base of the tower and this change order addresses this ratio.

   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 the change order for the Public Safety North Tower Site. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker Nolan & Smith voting aye.

2. Approve a piggyback contract award with ISI Water Company for utility revenue enhancements.

   Edward Bass, City Administrator, provided an overview and said that this would be a performance based contract with no risk to the City. He provided a brief presentation from the ISI Water Company outlining their track record, including several local municipalities. He stated that the contract would be for a period of 36 months and would utilize the company's proprietary software to review the City's billing system for any unclaimed revenues. The company would gather the information using their own personnel and field researchers to investigate the City's water meters, irrigation meters and identify errors in billing, including under-billed and over-billed utility accounts, and any un-billed water & irrigation meters. The compensation for the company would be 60% of all revenues found for a period of 36 months.

Discussion ensued regarding the 60% revenue to the company and the possibility of the City hiring additional personnel to identify this. Mr. Bass stated that this would require an enormous amount of man power not to mention, the cost of purchasing a similar software. Mr. Bass further stated that any revenue produced would be money we're currently not collecting and therefore there is little to no risk to our current collections. In addition, he said this is only for 36 months and would identify any inaccuracies in our utility billing system.

He further stated that any money identified by the company would require a Budget Amendment and would be brought back before the Council for a vote prior to any disbursement.

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 the piggyback contract with ISI Water Company. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan & Smith voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2756 – Second Reading – Change of Zoning and Preliminary Development Plan/Subdivision Plan
   From: "County" A-1 (ZIP)
   To: "City" PD (Planned Development)
   Applicant: Mary F. Reid Estate, c/o AVID Group
   Location: 1506 Rock Springs Road
   Project: 3.99 +/- acres: Four lot commercial subdivision with a proposed gas station, drive-thru restaurant, and general retail or office for a maximum building floor area of 43,451 sq. ft.
   Project Manager: Bobby Howell
   To be postponed to a date certain of May 20, 2020.
   The Clerk read the title as follows:

ORDINANCE NO. 2756

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP) FROM "CITY" PLANNED DEVELOPMENT (PD), FOR CERTAIN REAL PROPERTY LOCATED AT 1506 ROCK SPRINGS ROAD, COMPRISING 3.99 ACRES MORE OR LESS, AND OWNED BY MARY F. REID ESTATE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

MOTION by Commissioner Smith and seconded by Commissioner Nolan, to postpone the second reading of Ordinance No. 2756 to a date certain of May 20, 2020. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

2. Ordinance No. 2757 - Second Reading - Change of Zoning
   From: T (Transitional)
   To: PR (Parks and Recreation District)
   Applicant: City of Apopka
   Location: North of Lust Road, west of S.R. 429
   Project: 69.5 +/- acres; 605,484 non-residential sq. ft. (recreation or conservation related use per SJRWMD agreement) - Project Manager: Phil Martinez
   The Clerk read the title as follows:

ORDINANCE NO. 2757

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM T (TRANSITIONAL DISTRICT) TO PR (PARKS & RECREATION DISTCRICT) FOR CERTAIN REAL PROPERTY LOCATED NORTH OF LUST ROAD AND WEST OF STATE ROUTE 429, COMPRISING 69.5 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

David Moon, Planning Manager stated 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 Nolan, and seconded by Commissioner Smith, to adopt Ordinance No. 2757. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

3. Ordinance No. 2759 – Second Reading - Comprehensive Plan – Small Scale – Future Land Use Amendment
   From: Industrial (0.60 Floor Area Ratio (FAR))
   To: Mixed-Use (0-15 du/ac; 10 FAR)
   Owner: PMDW Ventures, LLC, c/o Robert Wallen
   Applicant: GL Summit Engineering, Inc., c/o Geoff Summit, P.E.
   Location: 2610 Peterson Road
   Project: 3.37 +/- acres; 15 Single Family Residential (SFR) Units (A total of 58 Single Family Residential Units and 146 Townhome Units, based on Concept Plan and aggregate development site of approximately 41 acres.)
   Project Manager: Jean Sanchez
   The Clerk read the title as follows:

ORDINANCE NO. 2759

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 INDUSTRIAL TO MIXED-USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT

2610 PETERSON ROAD, OWNED BY PMDW VENTURES, LLC; COMPRISING 3.37 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Moon advised 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 Nolan, and seconded by Commissioner Bankson, to adopt Ordinance No. 2759. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

4. Ordinance No. 2760 –Second Reading - Change of Zoning
From: I-L (Light Industrial) and C-C (Community Commercial)
To: MU-ES-GT (Mixed-Use-East Shore-Gateway)
Owner: PMDW Ventures, LLC, c/o Robert Wallen
Applicant: GL Summit Engineering, Inc., c/o Geoff Summit, P.E.
Location: 2600 and 2610 Peterson Road
Project: 41.4 +/- acres; 58 Single Family Residential Units and 146 Townhome Units
Project Manager: Jean Sanchez
The Clerk read the title as follows:

ORDINANCE NO. 2760

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA CHANGING THE ZONING FROM C-C (COMMUNITY COMMERCIAL) AND I-L LIGHT INDUSTRIAL) DISTRICTS TO MU-ES-GT (MIXED USE-EAST SHORE-GATEWAY) DISTRICT FOR CERTAIN REAL PROPERTY LOCATED AT 2600 AND 2610 PETERSON ROAD COMPRISING 41.4 ACRES, MORE OR LESS AND OWNED BY PMDW VENTURES, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Moon advised 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 Commissioner Smith, to adopt Ordinance No. 2760. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

5. Ordinance No. 2761 – Second Reading - Annexation
Owner/Applicant: Collier Benge Land Joint Venture LLC
Location: North of Dew Berry Avenue, east of Hermit Smith Road
Project: 3.53 +/-

Project Manager: Phil Martinez
The Clerk read the title as follows:

ORDINANCE NO. 2761

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY COLLIER BENGE LAND JOINT VENTURE LLC; LOCATED NORTH OF DEW BERRY AVENUE AND EAST OF HERMIT SMITH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Moon advised 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 Nolan, and seconded by Commissioner Smith, to adopt Ordinance No. 2761. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

6. Ordinance No. 2742 – First Reading - Comprehensive Plan – Large Scale – Future Land Use Amendment From: "County" Rural and "County" Industrial - To: "City" Industrial
Owners: American Sanford Four, LLC; Steven R. Rubright; JP Holdings, Inc.; Rubright Properties, LLC; Rubright Family, LP; JP Holdings, Inc. and James Scott Pridgen; Douglas & Lisa Surrett and James P. Purdy - Applicant: Poulos & Bennett, LLC, c/o Kathy Hattaway
Location: West of North Orange Blossom Trail, north of Hogshead Road'
Project: 349.37 +/- acres; Max. 9,131,134 sq. ft. non-residential
Project Manager: David Moon
The Clerk read the title as follows:

ORDINANCE NO. 2742

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMTNT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY" RURAL AND "COUNTY" INDUSTRIAL TO "CITY" INDUSTRIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST FO MN. ORANGE BLOSSOM TRAIL AND NORTH OF HOGSHEAD ROAD, OWNED BY AMERICAN SANFORD FOUR, LLC, STEVEN R. RUMBRIGHT, JP HOLDINGS, INC., RUBRIGHT PROPERTIES, LLC, RUBRIGHT FAMILY, LP, JP HOLDINGS, INC. & JAMES SCOTT PRIDGEN; DOUGLAS & LISA SURRETT & JAMES P. PURDY; COMPRISING 349.37 ACRES, MORE OR

LESS, PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, provided a brief overview of the project. He stated this case is familiar to City Council as back in December of 2019, City Council reviewed an application to amend the Future Land Use Designation for this property to a new Future Land Use District called the North Shore District. He said after discussions with affected property owners and staff, the applicant chose to amend the application and apply for an Industrial Future Land Use Designation. Due to the nature of the request, it is considered a new application and the hearing process started anew with the Planning Commission holding an advertised hearing last evening.

Mr. Moon said that this application is for a largescale amendment, which providing the application is accepted by City Council this evening, will require transmittal to the Florida Department of Economic Opportunity as well as other State agencies. He stated that the subject site is comprised of approximately 350 acres +/- located to the West of U.S. 441, and to the East of the Lake Apopka Restoration area owned by the St. Johns River Water Management District. He further stated that staff has reviewed the application and found that the request is compatible with the surrounding area and the abutting future land use designations and zoning categories are comparable to other similar properties with an Industrial Land use designation.

Mr. Moon said that the applicant has also submitted an application for a Planned Development (PD) to accommodate an industrial park type development and said that a PD zoning could also accommodate a commercial/office type development, as a PD allows for a mixed-use development. If the application is approved by City Council, there will be a second hearing for the Future Land Use Amendment as well as the PD and the Master Plan.

Commissioner Bankson asked for clarification as to the uses within the proposed PD zoning application and said that under Section 3, page 199, it states that “the uses will be limited to the uses that are not incompatible with the daily use of the Orlando Apopka Airport”. He said it appears there is nothing that will prohibit or hinder the daily operation of the Airport.

Mr. Moon stated this will be further addressed at the time of the planned development. It will ultimately be up to City Council to make the final decision.

Commissioner Becker stated that he had received many calls with the prior application and commended the applicant for going this route.

Dan O’Keefe, Real Estate Attorney for Shutts and Bowen stated that David Moon did a great job in explaining the history of the project and thanked the Council for keeping open for business with everything going on. He said staff has been great to work with and he respectfully requests council to approve the transmittal to the State.

Ted Brown, Attorney for Holland & Knight representing the Rubright family spoke in support of the project on behalf of his clients.

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. 2742 at first reading and transmittal to the state agencies. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

CITY COUNCIL REPORTS:

Commissioner Bankson said he is excited to see the Rubright property moving forward. Also, he wanted to give kudos to all the heroes, healthcare workers, first responders and our teachers that are working so hard during all of this.

Commissioner Smith seconded the sentiment on praising our teachers during this time as they are working hard to make sure the students are engaged.

Commissioner Becker expressed his concern for the homeless in our community who currently do not have anywhere to use the bathroom or take a shower. He asked whether we could place some temporary port-o-lets for them to use. He also acknowledged the loss of Tom Turner and sent his condolences to Debbie Turner.

Mr. Bass said that this may not be the best solution as it may cause the homeless to congregate, which could lead to a Police issue. He said that we would need to carefully consider this matter and perhaps we could reach out to some local churches for assistance.

CITY ADMINISTRATOR REPORT – No report.

CITY ATTORNEY REPORT – Joseph Byrd, City Attorney, read his letter of resignation. He said that in November of 2018, he was hired as the first in house City Attorney and it has been an honor to serve under this Mayor and Council. He said that he has enjoyed the privilege and the challenges as City Attorney and assisting the elected and appointed officials, as well as the staff and their duties. He stated he admired the commitment of this City Council who have demonstrated fulfilment of their obligations to the citizens they represent. He further stated that he has enjoyed working with City Administrator, Edward Bass, and City Clerk, Linda Goff on a daily basis. He recognized Kristi Funke, Risk Specialist and stated that her commitment to excellence has made him more effective. He also thanked the directors and staff who he has worked with over his tenure with the City. He reported his last day with the City is April 29, 2020.

MAYOR'S REPORT - Mayor Nelson provided an update on the Covid19 Pandemic. He stated that all of our City's first responders will be tested with the antibody test by tomorrow evening and anyone that comes back positive will immediately be sent to CentraCare for a Covid19 test and quarantined for 14 days or until they're clear. He stated that currently we have nine employees out for underlying reasons, not that they have the virus. He said that we are taking every precaution on all fronts and we have eliminated any access to public areas at Fire, Police, Utility Billing and Public Works. He reviewed the current statistics and said there is a constant flow of information and updates coming from the State and County Governments and he will continue to provide updates at least weekly. He further stated that the countywide curfew is still in place from 11:00 .p.m. – 5:00 a.m.

ADJOURNMENT – There being no further business the meeting adjourned at 8:28 p.m.

ATTEST:

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Bryan Nelson, Mayor

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Susan M. Bone, Deputy City Clerk