CITY OF APOPKA

Minutes of the regular City Council meeting held on March 20, 2019, at 7:00 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, excused

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION: Mayor Nelson called upon Chaplain Jim Schrock, APD Chaplain, to provide the invocation.

PLEDGE OF ALLEGIANCE: - Mayor Nelson called upon Jessica Brevil, a Junior at Wekiva High School, who led in the Pledge of Allegiance and then provided the historical fact of the week. On March 23, 1775, Patrick Henry ignited the American Revolution with a speech before the Virginia convention in Richmond, stating, "I know not what course others may take; but as for me, give me liberty, or give me death!". Jessica stated that this historical fact was chosen not only for its power and reference to the American Revolution but also, because of its relevance today as we continue to fight for liberty both in America as well as the rest of the world.

AGENDA REVIEW – City Administrator Bass stated that there were no changes to the Agenda.

APPROVAL OF MINUTES:

1. City Council regular meeting March 6, 2019.

   MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to approve the minutes of March 6, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Stacey Fowler, Assistant Coach of the Apopka High School Track & Field Team, spoke about the honor of having twelve athletes from the Apopka Track & Field Team earn a place in the upcoming State Championship at the University of Florida. She appealed to the City to assist with the funding of this event including lodging and meals.

Rod Olson spoke about the overcapacity in our schools and the impact that the new development is having. He stated that Orange County Public Schools projects that the first new school to our area won't be until 2026 and is slated to be in the Advent Health Hospital area. He stated that he has spoken with Melissa Byrd of Orange County Public Schools regarding the overcapacity of our schools and requested her support.

David Hoffman of Rock Springs Ridge spoke about development & the integrity of the Rock Springs Ridge neighborhood. For 10 years, since the back 9 closed, there has been talk about new development. He stated that this is an attack of our home quality and implore our elected officials to sustain the existing PUD and reject the new plans.

CONSENT

1. Approve the sale of alcohol at the Apopka Proud Concert
2. Authorize the issuance of blanket purchase orders.
3. Authorize the sale of bullet proof vest to the Casselberry Police Department.
4. Authorize the Apopka Police Chief to donate left over taser cartridges to the Oakland Police Department.
5. Authorize the renewal of the franchise agreement with Action Recycling, LLC, for the additional term of two (2) years
6. Lease Renewal agreement with Dr. Dorfman, M.D.
7. Accept the February 2019 Disbursement Report.

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

BUSINESS

1. Final Development Plan – Lake Gem, Lot 6
   Project: Property Industrial Enterprises LLC, c/o Michael R. Cooper
   Location: 605 Gem Commerce Court

Jean Sanchez, Planner II, provided a brief overview of the Lake Gem, Final Development Plan for Lot 6. She stated that this project was reviewed under the 1993 Land Development Code. She stated that this item and the next item are both within the Industrial Park Lake Gem Commerce Center that was previously approved. The location is West of Bradshaw and North of Lake Marshall Road. The aerial of the property was provided. The applicant proposes to erect a building 7,490 square foot in size and 28 feet in height. Ingress and egress access will be on Marshall Lake Road via the Gem Commerce Court spine road. The Development Review Committee approved the proposed Lake Gem, Lot 6 Final Development Plan and on March 12, 2019 the Planning Commission found the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and compatible with the character of the surrounding areas and recommended approval of the Lake Gem, Lot 6 Final Development Plan. Staff recommends approval.

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 Final Development Plan for Lake Gem, Lot 6. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

2. Final Development Plan – Lake Gem Lot 12
   Project: Property Industrial Enterprises LLC, c/o Michael R. Cooper
   Location: 755 Gem Commerce Court

Jean Sanchez, Planner II, provided a brief overview of the Lake Gem, Final Development Plan for Lot 12. She stated that this project was also reviewed under the 1993 Land Development Code. She stated that this item and the previous item are both within the Industrial Park Lake Gem Commerce Center that was previously approved. The location is in the cul-de-sac, adjacent to the railroad at West of Bradshaw and North of Lake Marshall Road. The aerial of the property was provided. The applicant also proposes to erect a building 7,490 square foot in size and 28 feet in height. Ingress and egress access will be on Marshall Lake Road via the Gem Commerce Court spine road. The Development Review Committee approved the proposed Lake Gem, Lot 6 Final Development Plan and on March 12, 2019 the Planning Commission also found this Final Development Plan consistent with the Comprehensive Plan and Land Development Code and compatible with the character of the surrounding areas and recommended approval. Staff recommends approval of the Lake Gem, Lot 12 Final Development Plan.

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 Bankson, to approve the Final Development Plan for Lake Gem, Lot 12. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

3. Final Development Plan – Renewal Church
   Project: Donald J. Sabiston
   Location: 2335 Appy Lane

David Moon, Planning Manager, provided a brief overview of the project. He stated that this application is for the Final Development Plan/Site Plan for a 10,400 square foot church located to the North of Appy Lane to the West of Jason Dwelley Parkway. The 1993 Land Development Code applies to this site plan. The site is zoned Agricultural and under the new Land Development Code and a special exception approval is required from the Planning Commission. On February 2, 2019, the Planning Commission approved a special exception for a church within this zoning district. The special exception requires additional landscaping of the 15’buffer around the perimeter of the property. Approximately 161 parking spaces will be provided of which 7 are ADA accessible. The Development Review Committee and the

Planning Commission reviewed the site plan and found it consistent with the Land Development Code and the special exception and recommends approval.

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 Bankson , to approve the Final Development Plan for the Renewal Church. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

4. Amended Development Agreement - Bridle Path Residential Subdivision
   Project: BB Bridle Path, LLC
   Location: West of Plymouth-Sorrento Road and east of SR 429, approximately one-half mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road

David Moon, Planning Manager, provided a brief overview and stated that City Council previously approved a Development Agreement on the west side of Plymouth Sorrento Road. After review of the Final Development Plan, it was recognized that some changes needed to be made to offsite infrastructure improvements so the Amended Development Agreement before Council only modifies a portion of this agreement to make changes to the utility provisions to accommodate both the Bridle Path Development as well as other developments located within the Plymouth Sorrento/Kelly Park area.

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 Amended Development Agreement for the Bridle Path Residential Subdivision. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No.2691–Second Reading-Comprehensive Plan – Large Scale – Future Land Use Amendment
   Project: Cantero Holdings LLC
   Location: West of Golden Gem Road, south of West Kelly Park Road
   The Deputy City Clerk read the title as follows:

<u>ORDINANCE NO. 2691</u>

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 AND "CITY" RURAL SETTLEMENT TO "CITY" MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST KELLY PARK ROAD AND EAST OF GOLDEN GEM ROAD, OWNED BY CANTERO HOLDINGS, LLC; COMPRISING 91.57 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez said there have been no changes since the first reading. The recommendation is to adopt Ordinance No. 2691.

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 Becker, to adopt Ordinance No. 2691 for the Comprehensive Plan-Large Scale – Future Land Use Amendment. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

2. Ordinance No. 2708 - Second Reading - Change of Zoning – Springs Ridge Gardens Subdivision
   Project: Landco Development Group, LLC
   Location: 2309 and 2405 West Kelly Park Road
   The Deputy City Clerk read the title as follows:

ORDINANCE NO. 2708

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP) TO "CITY" KELLY PARK INTERCHANGE MIXED-USE (KPI-MU), AND ASSIGNING A KELLY PARK CROSSING NEIGHBORHOOD OVERLAY DISTRICT, FOR CERTAIN REAL PROPERTY LOCATED AT 2405 AND 2309 W. KELLY PARK ROAD, COMPRISING 39.47 ACRES MORE OR LESS, AND OWNED BY LANDCO DEVELOPMENT GROUP, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Martinez said there have been no changes since the first reading. The recommendation is to adopt Ordinance No. 2708.

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 Bankson, to adopt Ordinance No. 2708 for the Change of Zoning – Spring Ridge Gardens Subdivision. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

3. Ordinance No. 2714 – First Reading – Comprehensive Plan – Small Scale – Future Land Use Amendment
Project: Mary F. Reid Estate
Location: 1506 Rock Springs Road
The Deputy City Clerk read the title as follows:

ORDINANCE NO. 2714

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" COMMERCIAL TO "CITY" COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF W. WELCH ROAD AND WEST OF N. ROCK SPRINGS ROAD., COMPRISING 3.99 ACRES, MORE OR LESS AND OWNED BY MARY F REID ESTATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner I, stated that the applicant is proposing a small scale, future land use amendment, changing the future land use designation from "County" Commercial to "City" Commercial for 3.99 acres located north of W. Welch Road and west of N. Rock Springs Road. The Development Review Committee recommends approval and on March 12, 2019, the Planning Commission found the proposed small scale, future land use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas and recommended approval. The recommended motion is to accept the first reading of Ordinance No. 2714 and carry it over for a second reading and adoption on April 3, 2019.

Mayor Nelson opened the meeting to a public hearing.

Michelle Chase said she's excited to have a shopping center here but has a concern with the traffic at that intersection. She asked whether there are any plans yet for turning lanes or is it too early.

Commissioner Becker stated that it is too early as this is for the future land use and then it will need to go through a change in zoning before site plan.

Michelle Chase said that maybe the developer can keep this in mind when moving forward with the plans.

Pete Pensa, AICP Planner with Avid Group, the Planners, Engineers & Surveyors for this project, stated that they're going through review with Staff & the County regarding the PUD and due to the timing, the submittals are not coming through at the same time. He indicated that TPD has done a traffic study & the County has provided comments. He stated that the Development Review Committee has provided comments, which they're working on as well. He further stated that they have a meeting scheduled with the County to review transportation issues and that they will be resubmitting and addressing all comments in the near future.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to approve Ordinance 2714 at first reading and carry over for a second reading for the Comprehensive Plan – Small Scale – Future Land Use and hold over for a Second Reading. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

4. Ordinance No. 2715 – First Reading - Annexation
   Project: Plymouth Harbor, LLC
   Location: 1056 Bailey Hill Road
   The Deputy City Clerk read the title as follows:

ORDINANCE NO. 2715

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 PLYMOUTH HARBOR LLC; LOCATED AT 1056 BAILEY HILL ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner I, stated that the applicant is proposing annexation of approximately 4.87 acres located at 1056 Bailey Hill Road. He reviewed the subject property on a map. Single family homes are located to the north, east and south and S.R. 429 is located to the west. The proposed annexation is in accordance with Florida Statutes and the Joint Planning Agreement with the City of Apopka and Orange County. The recommended motion is to accept the first reading of Ordinance No. 2715 and carry it over for a second reading and adoption on April 3, 2019.

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 the First Reading of Ordinance No. 2715 for the Annexation of 1056 Bailey Hill Road and hold over for a Second Reading. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

5. Ordinance No. 2718 – First Reading - Annexation
Project: Foremostco, Inc.
Location: 4550 Golden Gem Road
The Deputy City Clerk read the title as follows:

ORDINANCE NO. 2718

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 FOREMOSTCO INC.; LOCATED AT 4550 GOLDEN GEM ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner I, stated that the applicant is proposing annexation of 35.56 acres located at 4550 Golden Gem Road. He reviewed the subject property on a map. Single family homes and nurseries surround the subject property in all cardinal directions. The proposed annexation is in accordance with Florida Statutes and the Joint Planning Agreement with the City of Apopka and Orange County. The recommended motion is to accept the first reading of Ordinance No. 2718 and carry it over for a second reading and adoption on April 3, 2019.

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 the First Reading of Ordinance No. 2718 for the Annexation of 4550 Golden Gem Road and hold over for a Second Reading. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

6. Ordinance No. 2719 – First Reading - Annexation
Project: Dennis R. & Joann M. Klepzig, Co-Trustees Klepzig Family Trust
Location: West of Plymouth Sorrento Road, south of West Kelly Park Road
The Deputy City Clerk read the title as follows:

ORDINANCE NO. 2719

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 DENNIS R. KLEPZIG AND JOANN M. KLEPZIG, COTRUSTEES KLEPZIG FAMILY TRUST; LOCATED WEST OF PLYMOUTH SORRENTO ROAD AND SOUTH OF

WEST KELLY PARD ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner I, stated that the applicant is proposing annexation of 30.81 acres located West of Plymouth Sorrento Road & South of West Kelly Park Road. He reviewed the subject property on a map. Single family homes and nurseries are located to the north, east and south including the Oak Ridge, Phase II, Subdivision to the East and S.R. 429 being located to the west. The proposed annexation is in accordance with Florida Statutes and the Joint Planning Agreement with the City of Apopka and Orange County. The recommended motion is to accept the first reading of Ordinance No. 2719 and carry it over for a second reading and adoption on April 3, 2019.

Mayor Nelson opened the meeting to a public hearing.

Michelle Chase of Rock Springs Ridge asked what it will take to put the brakes on development and stated that we have a spoke to put brakes on the development out there. She stated that we have a crisis with our schools right now and it appears that the development is property tax driven.

Mayor Nelson stated that this Ordinance is only an annexation and it has nothing to do with a change in zoning.

Commissioner Becker stated that there are competing interests in Apopka as we hear from some citizens that want new restaurants, entertainment venues. He further stated that the City is trying to manage our growth however we simply cannot put a closed sign on the city as far as new residential development.

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

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve the First Reading of Ordinance No. 2719 for the Annexation of property located West of Plymouth Sorrento Road, south of West Kelly Park Road and hold over for a Second Reading. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

7. Ordinance No. 2720 – First Reading – Code of Ordinances, Part II, Chapter 6 – Alcoholic Beverages
   Project: City of Apopka
   The Deputy City Clerk read the title as follows:

<u>ORDINANCE NO. 2720</u>

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA; AMENDING CERTAIN SECTIONS OF CHAPTER 6, “ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, AMENDING THE

DEFINITIONS TO INCLUDE MICROBREWERY; APPROVAL BY THE CITY COUNCIL AND CITY ADMINISTRATOR; LOCATION OF SALES TO PROVIDE A DISTANCE REQUIREMENT FOR ALCOHOLIC BEVERAGES IN PROXIMITY OF CHURCHES; ADDING EXEMPTIONS TO DISTANCE REQUIREMENT FOR MULTITENANT BUILDINGS; ADDING EXHIBIT "A" MAP FOR THE COMMUNITY REDEVELOPMENT AREA; AMENDING THE SPECIAL EVENT PERMIT ACTIONS; AMENDING RESTRICTIONS REGARDING THE HOURS THAT ALCOHOLIC BEVERAGES CAN BE SOLD; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Jim Hitt, Community Development Director provided an overview of the proposed changes to Ordinance No. 2720. He stated that back on December 20, 2017, City Council adopted Ordinance 2612 amending the Part II, Chapter 6, Alcoholic Beverages. Since the adoption several issues have been discussed at City Council meetings and with staff as well as residents regarding the Code and found some deficiencies. He reviewed the proposed changes as outlined in the ordinance. It was recommended that since the changes are being approved by the City Council, this item should come back to City Council for approval.

Mayor Nelson opened the meeting to a public hearing.

Rod Olson requested that the council will honor the 11:00 a.m. time on Sunday.

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

MOTION by Commissioner Smith and seconded by Commissioner Becker to approve the First Reading of Ordinance No. 2720 amending Chapter 6 of the Code of Ordinances regarding Alcoholic Beverages and hold over for a Second Reading. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

8. Ordinance No. 2721 - First Reading - Marden Road Interchange Trust Fund
   Project: Marden Road Interchange
   The Deputy City Clerk read the title as follows:

ORDINANCE NO. 2721

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE NO. 2446 PROVIDING FOR THE ABOLITION OF THE MARDEN ROAD INTERCHANGE TRUST FUND AND REPEALING SECTION 2 AND SECTION 3, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Jamie Roberson, Finance Director, provided a brief overview of Ordinance No. 2721. She stated that this is an administrative change because this was not in the CRA. These incremental changes are tied to the ad-valorem and is roughly $127,000, which is due in April. Mr. Bass commented that the city will be happy to amend this but developer is not cooperating.

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 Becker, to approve the First Reading of Ordinance No. 2721 for the Marden Road Interchange Trust Fund and hold over for a Second Reading. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith, and voting aye.**

9. Resolution No. 2019-06 - Irma Lee Lane Jurisdictional Conveyance
   Project: City Of Apopka
   The Deputy City Clerk read the title as follows:

<u>RESOLUTION NO. 2019-06</u>

> **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA ACCEPTING CONVEYANCE BY QUIT CLAIM DEED FROM CENTRAL FLORIDA EXPRESSWAY AUTHORITY FOR REAL PROPERTY; DIRECTING THE CITY CLERK OR DESIGNEE TO RECORD THE EXECUTED DEED IN THE PUBLIC RECORDS OF ORANGE COUNTY, AND PAY ALL FEES NECESSARY TO EFFECTUATE SUCH RECORDATION; PROVIDING SEVERABILITY AND EFFECTIVE DATE.**

Attorney Joseph Byrd provided an overview of Resolution No. 2019-06. He advised that he learned just prior to the City Council meeting of March 6th, 2019, he learned that CFX had a claim of right to the right-of-way at Irma Lee Lane. He indicated he spoke with Deputy Counsel, Linda Linosa, of CFX, who advised as to our options. Deputy Counsel, Linosa advised that this resolution is the first step of many in the conveyance of the right-of-way to the City. He advised that Deputy Counsel, Linosa invited him to attend the CFX Board meeting on March 27, 2019. Assuming this Resolution passes, he will attend this meeting and provide CFX with a copy of the resolution in hand and will come back to City Council to discuss next steps.

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 Bankson, to approve the First Reading of Resolution No. 2019-06 for the Conveyance of Irma Lee Lane Jurisdictional Conveyance and hold over for a Second Reading. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

10. Resolution No. 2019-08 – Planned Roadway Network for Western Gateway to the City.
Project: City of Apopka
Location: North of U.S. 441, east of Hermit Smith Road, and west of Plymouth Sorrento Road
The Deputy City Clerk read the title as follows:

RESOLUTION NO. 2019-08

A RESOLUTION OF THE COUNCIL OF THE CITY OF APOPKA, FLORIDA, SUPPORTING A PLANNED ROADWAY NETWORK FOR THE AREA KNOWN AS THE WESTERN GATEWAY TO THE CITY.

Pamela Richmond, Senior Planner, provided a brief overview of proposed Resolution No. 2019-08 in support of a Planned Roadway Network. She stated the importance of a planned roadway network will have a positive effect on future development by providing good connectivity.

Comm. Bankson is excited about this and stated this is exactly where the city needs to go, while Commissioner Becker asked what this Resolution obligates the City to do.

Pam stated that this Resolution will show that the City is ready to move forward with some of the current issues with CFX.

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 First Reading of Resolution No. 2019-08 and hold over for a Second Reading. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

CITY COUNCIL REPORT – No report

CITY ATTORNEY'S REPORT

1. ADA Website Compliance

City Attorney, Joseph Byrd and IT Director, Robert Hippler, provided an overview of the ADA Compliance issues the City faces.

Attorney Byrd provided a brief overview of the current status regarding the compliance issues for the City's website. He stated his concerns regarding a certain group of people going about making claims and threatening lawsuits, alleging non-compliance issues related to websites. He further stated that what we previously thought with regard to the documents on our website are no longer compliant. Of concern is that Cities are being sued and have been settling out of court on these claims. He explained the City received a letter from a Mr. Price, who is represented by an attorney out of Miami, on March 8, 2019 with demands. This letter was responded to after conferring with our risk attorney. He advised that we have currently taken all effected documents down from our website.

Robert Hippler stated that he's researched the screen readers and found most do not comply. He added that the going cost to send documents off to convert is $20 per page and with all of the documents on our website, it would be upward of $500,000 to convert and bring into compliance. Currently, when we put something in the agenda software, it strips current tags and reader ability. He added that we may need to look at new software so that when uploading documents to our website, they're in compliance.

MAYOR'S REPORT

1. Legislative Update

ADJOURNMENT: There being no further business the meeting adjourned at 9:06 P.M.

ATTEST:

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Bryan Nelson, Mayor

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Susan M. Bone, Deputy City Clerk