

CITY OF APOPKA

Minutes of the City Council regular meeting held on December 4, 2019, 1:30 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 – Pastor David Schorejs, First Baptist Church of Apopka gave the invocation.

PLEDGE – Mayor Nelson introduced Lena Firlotte, SGA student of Apopka High School who led in the Pledge of Allegiance. She said on December 5, 1848, US President James K. Polk triggers the Gold Rush of 1849 by confirming a gold discovery in California. On this same day in 1933, Prohibition ends in the US when 21st Amendment to the US Constitution is ratified..

APPROVAL OF MINUTES

1. City Council regular meeting November 20, 2019

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the minutes of November 20, 2019 regular meetings. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye. .

AGENDA REVIEW – City Administrator Bass advised that Items 1, 2, 3, 9, and 10 under Public Hearings are requested to be postponed to December 18, 2019. He suggested making a motion under each item for postponement to a date certain.

EMPLOYEE RECOGNITION:

1. Service Pin Awards – The following employees received a certificate and service pin for their years of service. A reception held prior to the Council meeting in their honor.

Police Department:

Brian Kennedy – 25 years
Daniel Colley – 20 years
Jason Wiggins – 20 years
Stephen Minchey – 15 years
Jason Berry – 10 years
Scott Burk – 10 years
Amber Lovelace – 10 years
Barry Brown, II – 5 years

Fire Department:

Steve Jones – 30 years
Richard Hayden – 20 years
Renee Beasley – 15 years
Scott Harrell – 15 years
Eric Berrios – 10 years
Matthew Yoham – 10 years
Josh Roell – 5 years

General Eemployees

Randall Tindall – 30 years
Charlie Shaw – 25 years
Jeanne Green – 25 years
Carlos Hernandez – 20 years
Felix Martin – 20 years
Jim Hitt – 15 years
Joyce Boland – 15 years
Sandra Pickett – 15 years
Beau Kirkland – 5 years
Naret Teran – 5 years
Kevin Turk – 5 years
Glemndine Nicholes – 5 years

PRESENTATIONS:

1. Check donation presented to Debbie Turner's Care and Resource Center in the amount of \$4,913 from a joint partnership between Apopka's Fire Department and Police Department on a combined effort on the Cancer Awareness Shirts. They also teamed with Chamber of Commerce, Beef O'Brady's, Marco's Pizza at Piedmont, Rock Springs Bar & Grill, and the Elk's Lodge. They were able to sell 494 shirts. Jerald Maynard, Jason Wiggins, and Brian Bowman presented the check to Debbie Turner.

Ms. Turner thanked the community for their support. She said they have been in business for 20 years. This year was a huge community event and they were able to pay for 265 mammograms to the local community with this money. She said the pink ribbons are done in a business where donations are taken and names posted to paint the city pink. This year Optical Eyeland came in as a new business and last year Sam's Club. Sam's Club of Apopka was presented a trophy for selling the largest number of pink ribbons. She also asked Rock Springs Bar and Grill to come forward, stating Debbie and Rip Oldfield started 20 years ago helping out with a motorcycle charity ride and have supported the Debbie Turner Care and Resource Center in every way. She presented them with a plaque for the 2019 Community Support.

PUBLIC COMMENT – No speakers.

CONSENT

1. Authorize Staff to execute any necessary agreements and/or termination notification to Medical Risk Solutions, LLC dba My Health Onsite (MRS) or Carehere to assign the clinic operations to MRS effective on or around March 1, 2020.
2. Authorize the Chief of Police to accept a grant awarded by JAG Program.
3. Authorize the issuance of blanket purchase orders for fiscal year 2020.

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

BUSINESS

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2690 – Second Reading – Comprehensive Plan – Large Scale – Future Land Use Amendment From Residential Estates TO Residential Very Low Suburban
Project: Carrol M. and Patricia A. Hamrick
Location: North of West Ponkan Road and west of Mount Sterline Avenue
Project Manager: Phil Martinez The City Clerk read the title as follows:
The City Clerk read the title as follows:

ORDINANCE NO. 2690

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 RESIDENTIAL ESTATES TO RESIDENTIAL VERY

LOW SUBURBAN FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST PONKAN ROAD AND WEST OF MOUNT STERLING AVENUE, OWNED BY CARROL M. HAMRICK; COMPRISING 35.21 ACRES MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Byrd said in the last legislative session HB 7103 passed which has our Community Development Department working through new time delays and deadlines placed upon the City. He advised Orange County Public Schools have had their challenges along the way as well. He reported following a conference call between the developer's attorney, OCPS, himself, and David Moon, the consensus was that they had worked out a potential answer to this dilemma. He advised OCPS will be working on this and the request is to move these items to a date certain of December 18, 2019.

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 Nolan to postpone to December 18, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Major Development Plan – Hamrick Estates
Project: Wekiva Pointe, LLC, c/o Annette L. Peck Trust
Location: 3220 Pittman Road
Project Manager: Bobby Howard
The City Clerk read the title as follows:

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 postpone to December 18, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Amended and Restated Development Agreement – Hamrick Estates
Project: Wekiva Pointe, LLC, c/o Annette L. Peck Trust
Location: 3220 Pittman Road
Project Manager: Bobby Howard
The City Clerk read the title as follows:

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 postpone to December 18, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Ordinance No. 2736 - Second Reading - Administrative Change of Zoning – Commercial
From: T (Transitional District)
To: C-C (Community Commercial District)
Project: NP Properties LLC
Location: East of N. Orange Blossom Trail, south of Victor Road
Project Manager: Phil Martinez - The City Clerk read the title as follows:

ORDINANCE NO. 2736

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM TRANSITIONAL TO C-C (COMMUNITY COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1031 AND 1033 S. ORANGE BLOSSOM TRAIL COMPRISING 0.956 ACRES, MORE OR LESS AND OWNED BY N P PROPERTIES LLC, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner said there had 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. 2736. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

5. Ordinance No. 2737 - Second Reading - Administrative Change of Zoning – Residential
From: T (Transitional District)
To: RSF-1A (Residential Single-Family Estate District)
Project: NP Properties LLC
Location: East of N. Orange Blossom Trail, south of Victor Road (Victor Heights Plat, Lots 21 and 23)
Project Manager: Phil Martinez - The City Clerk read the title as follows:

ORDINANCE NO. 2737

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM T (TRANSITIONAL) TO RSF-1A (RESIDENTIAL SINGLE FAMILY ESTATE DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED SOUTH OF VICTOR DRIVE AND EAST OF N. ORANGE BLOSSOM TRAIL COMPRISING 0.914 ACRES, MORE OR LESS AND OWNED BY N P PROPERTIES LLC, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Martinez advised there had 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. 2737. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

6. Ordinance No. 2738 - Second Reading - Administrative Change of Zoning – Maldonado
From: T (Transitional District)
To: RSF-1A (Residential Single-Family Estate District)
Project: Yolanda Maldonado
Location: South of Victor Drive, east of North Orange Blossom Trail (Victor Heights Plat, Lot 22) Project Manager: Phil Martinez - The City Clerk read the title as follows:

ORDINANCE NO. 2738

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM TRANSITIONAL TO RSF-1A (RESIDENTIAL SINGLE-FAMILY ESTATE DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1520 VICTOR ROAD; COMPRISING 0.46 ACRES, MORE OR LESS AND OWNED BY YOLANDA MALDONADO, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Martinez said there had 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 Smith, and seconded by Commissioner Bankson, to adopt Ordinance No. 2738. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

7. Ordinance No. 3739 – Second Reading - Administrative Comprehensive Plan - Small Scale - Future Land Use Amendment
From: “County” Commercial (Max. 3.0 FAR)
To: “City” Commercial (Max. 0.25 FAR)
Project: 355 W OBT LLC
Location: 355 West Orange Blossom Trail
Project Manager: Phil Martinez - The City Clerk read the title as follows:

ORDINANCE NO. 2739

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING 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 AT 355 W. ORANGE BLOSSOM TRAIL, OWNED BY 355 W OBT LLC; COMPRISING 1.65 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez reported 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 Smith, and seconded by Commissioner Nolan, to adopt Ordinance No. 2739. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

8. Ordinance No. 2740 – Second Reading - Administrative Change of Zoning – Apopka Fire Station No. 2
From: T (Transitional District)
To: INST (Institutional District)
Project: City of Apopka
Location: South of West Welch Road, west of North Park Avenue
Project Manager: Phil Martinez - The City Clerk read the title as follows:

ORDINANCE NO. 2740

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM T (TRANSITIONAL) TO INST (INSTITUTIONAL DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 302 W. WELCH ROAD; COMPRISING 2.38 ACRES, MORE OR LESS AND OWNED BY CITY OF APOPKA, 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..

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 Nolan, to adopt Ordinance No. 2740. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, and Smith voting aye.

9. Ordinance No. 2741 – First Read - Comprehensive Plan – Text Amendment – Future Land Use Element – Policy 3.1.r
Project: City of Apopka

Project Manager: David Moon. The Clerk read the title as follows:

ORDINANCE NO. 2741

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.R; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon confirmed the request is to postpone to December 18, 2019.

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 postpone to December 18, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

10. Ordinance No. 2742 – First Read/Transmittal - Comprehensive Plan – Large Scale – Future Land Use Amendment
From: “County” Rural & “City” Mixed Use
To: “City” Mixed Use – Airport Support District
Project: Rubright Area Properties
Location: West of North Orange Blossom Trail, north of Hogshead Road
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 ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL & “CITY” MIXED USE TO “CITY” MIXED USE – AIRPORT SUPPORT DISTRICT FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF N. ORANGE BLOSSOM TRAIL AND NORTH OF HOGSHEAD ROAD, OWNED BY AMERICAN SANFORD FOUR, LLC, STEVEN R. RUBRIGHT, JP HOLDINGS, INC., RUBRIGHT PROPERTIES, LLC, ALTERNA MORTGAGE INCOME FUND, LLC, RUBRIGHT FAMILY, LP, JP HOLDINGS, INC. & JAMES SCOTT PRIDGEN, DOUGLAS & LISA SURRETT & JAMES P. PURDY; COMPRISING 424.41 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE.

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 Becker to postpone to December 18, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

11. Ordinance No. 2744 – First Reading - Comprehensive Plan – Large Scale – Future Land Use Amendment
From: Commercial (Max. 0.15 FAR)
To: Residential Low Suburban (0-3.5 du/ac)
Project: Clonts Farm Inc.
Location: South of Lust Road, west of South Binion Rd.
Project Manager: Phil Martinez. The Clerk read the title as follows:

ORDINANCE NO. 2744

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 COMMERCIAL TO RESIDENTIAL LOW SUBURBAN FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF LUST ROAD AND WEST OF BINION ROAD, OWNED BY CLONTS FARM INC.; COMPRISING 11.00 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE.

Mr. Martinez said the applicant is proposing a Large Scale Future Land Use Amendment from Commercial to Residential Low Suburban for approximately 11-acres. He reviewed the subject property on a map saying it was located at the intersection of Lust Road and Binion Road. He reviewed the surrounding land-uses stating the property is zoned Transitional and a zoning application will be brought back a later date. The subject parcel is approximately 30.94-acres with 11-acres containing the Commercial Future Land Use. The proposed Residential Low Suburban Future Land Use is compatible with the property and surrounding area. DRC and Planning Commission recommend approval. The recommendation is to approve at first reading and authorize transmittal to the Department of Economic Opportunity.

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 Nolan to approve Ordinance No. 2744 at first reading and authorize transmittal to the state. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

12. Resolution 2019-24 - FY19/20 Budget Amendment
Presented by: Jamie Roberson - The City Clerk read the title as follows:

RESOLUTION NO. 2019-24

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 budget amendment for FY 19/20. She said this budget amendment is primarily associated with grants or donation funding received from various agencies.

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. 2019-24. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

CITY COUNCIL REPORTS –

Commissioner Bankson reported he has had contact back from Israel and they are working on moving forward with a business relationship with Apopka. He also reported he attended the airport board meeting and heard their concerns regarding development in the area.

Commissioner Smith said he attended the Ugly Sweater event last evening at the Museum and mentioned bidding on the Christmas Trees and Wreaths is through tomorrow evening.

Commissioner Becker expressed warm wishes for the Darter's.

CITY ADMINISTRATOR REPORT – No report

CITY ATTORNEY'S REPORT

1. Update on Major Display

City Attorney Byrd provided an update regarding the case of Apopka vs Major Display regarding scoreboards at the Northwest Recreation Complex. He had sent a Termination Agreement and had not received a signed copy back from Major Display. He sent a notice of breach letter providing them time to respond prior to his taking legal action on behalf of the City. Having not received a response, on October 11, 2019 he filed action in Federal Court. The owner of Major Display reached out to Mr. Byrd stating he had not received the notice of breach letter and blamed his own office. He sent a copy of a signed Termination Agreement and he recommended Council allow this settlement as the scoreboards are working well now and Major Display will continue to warrant the signs per the original contract.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to accept the settlement offer with Major Display. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Update on Rock Springs Ridge

City Attorney Byrd said at the last meeting citizens were present from Rock Springs Ridge to discuss concerns regarding the development of the golf course. There was a general consensus staff would review the issue of the acreage, lots, density, and calculations, bringing back a recommendation to Council. In a memorandum to Council, at the time of the last meeting he said there was no way for us to hone in on why anything was changed. The residents are saying there has been a review of the GIS and property records by two records who have a professional background. He stated the City takes seriously what they have said and the basic problem is the acreage and the appearance it has been inflated. He stated this is not conclusive and to be conclusive a survey would have to be done.

David Moon, Planning Manager said the question came up about calculating the acreage for Rock Springs Ridge PUD. He stated Council was aware that every time a development has a plat, it has to go before City Council for approval per Florida Statutes. The statutes also require those plats and legal descriptions can only be prepared by a license surveyor in the State of Florida. This is why a surveyor would need to be obtained to review this. Rock Springs Ridge contains various components with seven phases. Some of those phases have sub-phases and there are also portions of the project boundary not included in plats. The numbers Council have heard of 1,441 and 1,442 likely came from a legal description. He advised an estimate to do this work including measuring the boundaries of the legal description would be approximately \$11,500 as well as additional research that could add to this cost.

Commissioner Becker said he just wanted to see what plats were approved so he can form an opinion. He stated he is not looking for staff to say this is how it was calculated, but to see what Council had presented at the time and how the acreage was calculated at the time. Mr. Moon advised the plats do not include all of the land incorporated in the PUD boundaries such as the right-of-way on Jason Dwelley Parkway and the conservation areas to the north.

City Attorney Byrd suggested Community Development make available copies of the plats to Council. He addressed the issue of the city potentially doing a survey, stating the HOA would be the proper parties to do a survey. He said the PUD will have to be amended if there is to be development in anyway of the golf course. He declared it is an excellent idea for the Council members to review the master plan and plats and this can be done within their quasi-judicial role. He advised it is vital that Council follow the process in the quasi-judicial role.

Rod Olsen lives in Rock Springs Ridge and asked whose role is it to confirm the plat is factually confirmed to be correct to which Mr. Byrd advised you rely upon the professional that creates the documents.

MAYOR'S REPORT – Mayor Nelson reported improvements are being made in City Hall by moving the receptionist back by the doors. The doors on the Fire Station side will be employee entrance only and remain locked. There will be doors placed in the lobby that public will sign in and the door then opened for them.

Mayor Nelson thanked the Fire Fighter's Association for donating food and he will be cooking for the Darter's in Daytona. All funds will go the AHS Band for wrapping a trailer to haul their equipment.

Mayor Nelson will be flying to Chicago to accept a national award for the Apopka Youth Works program after being nominated by Career Source.

ADJOURNMENT – There being no further business the meeting adjourned at 3:00 p.m.

ATTEST:

Bryan Nelson, Mayor

Linda F. Goff, City Clerk