

## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on December 5, 2018, at 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 Cliff Shepard  
City Administrator Edward Bass

PRESS PRESENT: Teresa Sargeant - The Apopka Chief  
Reggie Connell, The Apopka Voice

**INVOCATION:** - Mayor Nelson called on Deacon Jim Shelley of St. Francis of Assisi, who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Nelson introduced Stella Canfield, a senior at Wekiva High School, who led in the Pledge of Allegiance. She said on December 7, 1941, the bombing of Pearl Harbor occurred starting American involvement in World War II. This surprise attack shocked America, leaving nothing but destruction and loss of life. There were 2,403 people, soldiers killed, and 1,178 wounded as they faced the Japanese 351 planes. However, faced with adversity, our American soldiers fought courageously and continued to protect our nation. She stated these instances remind us how valiant and honorable our soldiers, sailors, marines, and air force are. Thank you to all those who fight for our country.

Miss Canfield said for some fun facts:

1. You cannot snore and dream at the same time;
2. Butterflies taste their food with their feet;
3. On Jupiter and Saturn it rains diamonds; and
4. The word "lethological" describes the state of not being able to remember the word you want

### **APPROVAL OF MINUTES:**

1. City Council regular meeting November 7, 2018.

**MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the minutes of November 7, 2018, as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Nolan voting aye.**

**AGENDA REVIEW** – City Administrator Bass reported that Item 2 under Business has been withdrawn from the agenda. He added that under Item 11 on the Consent Agenda for the Christmas Parade, the year of 2016 should be 2018.

Commissioner Becker pointed out that Consent Item 12 should also have December 6, 2018, added to the dates.

## **PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT**

### **EMPLOYEE RECOGNITION:**

- Ten-Year Service Award – William A. Bryant, IV – Police /Communications. William was not present and his award will be presented at another time.
- Ten-Year Service Award – Matthew A. Brown – Fire/Suppression. The Commissioners jointed Mayor Nelson in congratulating Matthew on his years of service.

### **PRESENTATIONS**

1. Monica Marlow, Director of Marketing & Business Development for Lake Apopka Natural Gas District thanked Commissioner Becker for serving on the Board of Directors. She said Lake Apopka Natural Gas has 58 employees to provide clean, proficient and economical natural gas service to approximately 22,500 customers in Orange and Lake Counties for nearly 60 years. This is a mix of residential, industrial, and commercial customers representing a growth from 14,992 customers in 2013 to the current 22,500 customers. Lake Apopka Natural Gas is community owned by the cities of Apopka, Winter Garden, and Clermont.

### **PUBLIC COMMENT**

Edward Bowman said he was here to request support to have a federal law enacted to protect patients against sexual predators working in hospitals and nursing homes. He has been working toward having “Clara’s Law” enacted since his wife Clara Mae Bowman was a victim of sexual assault in 2006.

Michael Cooper expressed concern regarding the length of time it takes for the approval process of projects stating it hurts developers when it comes to new owners and tenants. He also spoke of road resurfacing and pointed out a number of roads that need repaired.

Mayor Nelson advised Administration is working with Community Development staff on a way to streamline the process.

Deborah Greene thanked the Council on behalf of Orange Audubon for voting on September 19, 2018, to accept the Hickerson property for the Gateway Birding Park. She said the whole concept of the Gateway Birding Park is in the memorandum of understanding between the City of Apopka and Orange Audubon. She said St. Johns River Water Management is ready to get to work with cleanup and enhancement of the site. She personally has been growing native tress for the past two years for this purpose. She said the tentative date for cleanup is January 26, 2019.

George Wilkerson expressed concern regarding not getting cooperation from Code Enforcement regarding brush piles in neighboring property. Mayor Nelson advised Mr. Wilkerson to get in contact with the City Administrator regarding this matter.

### **CONSENT**

1. Approve the appointment of a new Planning Commission member.
2. Authorize an agreement to remove the lead from the Police range berm.
3. Authorize a Decorative Street Lighting Agreement with Silver Oak Phase 1.

4. School Concurrency Mitigation Agreement for Carriage Hill, Phase 2.
5. Sewer and Water Capacity Agreement for Carriage Hill, Phase 2.
6. Authorize the issuance of blanket purchase order for multiple departments.
7. Authorize the purchase of budgeted police vehicles.
8. Approve the purchase of a budgeted garbage truck for the Sanitation division.
9. Authorize the purchase of budgeted heavy equipment for multiple divisions in the Public Services department.
10. Authorize the transfer of two Apopka Police surplus police vehicles to be donated to the Springfield Police Department.
11. Authorize the closure of roads for the annual Apopka Christmas Parade.
12. Approve the serving of alcohol at the Festival of Trees at the Museum of Apopkans.

Commissioner Nolan requested Item 12 be pulled and voted on separately as she would be abstaining due to her being part of the Historical Society and serving on this committee.

**MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to approve 11 items on the Consent Agenda. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith and Nolan voting aye.**

**MOTION by Commissioner Becker, and seconded by Commissioner Smith, to approve item 12 on the Consent Agenda. Motion carried 4-0-1 with Mayor Nelson and Commissioners Bankson, Becker, and Smith voting aye and Commissioner Nolan abstaining.**

## **BUSINESS**

1. Final Development Plan – Special Ops Tactical Site Plan  
Project: Property Industrial Enterprises, LLC  
Location: Lake Gem Commercial Industrial Park, Lot 8

Jean Sanchez, Planner, provided a brief lead-in stating this was a request to approve the Special Ops Tactical Final Development Plan. She reviewed the location of the property stating each lot is required to go through the site plan approval process. The proposed building is 4,000 square feet in size and 28 feet in height. Fourteen parking spaces will be provided including one handicap accessible space. She reviewed the proposed landscape plan and required buffers. DRC recommended approval and Planning Commission recommended approval. It is recommended to approve the 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 Bankson, and seconded by Commissioner Nolan, to approve the Special Ops Tactical Final Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

2. Joint Planning Agreement – 3rd Amendment – Between City of Apopka and Orange County  
*Item was withdrawn from the agenda.*

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION**

1. Ordinance No. 2645 – Second Reading - Comp Plan – Large Scale Amendment  
Project: Kent Greer - Location: South of West Kelly Park Road, East of Round Lake Road  
The City Clerk read the title as follows:

**ORDINANCE NO. 2645**

**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 RURAL SETTLEMENT TO MIXED USE – INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST KELLY PARK ROAD AND EAST OF ROUND LAKE ROAD, OWNED BY KENT GREER; COMPRISING 39.6 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

Phil Martinez, Planner, 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 Smith, and seconded by Commissioner Nolan, to adopt Ordinance No. 2645. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

2. Ordinance No. 2670 – First Reading - Comprehensive Plan – Large Scale Amendment  
Project: Radam Investment, LLC - Location: North of South Apopka Boulevard, west of South Lake Pleasant Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2670**

**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 LOW AND RESIDENTIAL LOW SUBURBAN TO RESIDENTIAL MEDIUM LOW FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF S. APOPKA BOULEVARD AND WEST OF S. LAKE PLEASANT ROAD, OWNED BY RADAM INVESTMENT LLC; COMPRISING 23.67 ACRES MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Phil Martinez, Planner, said the applicant is proposing a large-scale future land use amendment to Residential Medium Low for 23.67 acres. He reviewed the location of the property on a map as well as reviewing the surrounding land uses. He advised application for PUD zoning has been submitted to the Planning Division. The proposed future land use allows

a maximum of 7.5 DU/AC. The applicant's intent is to develop a 126 unit multifamily complex with a density of 6.14 DU/AC. He reviewed the surrounding land use and the location on a map. The Planning Commission recommends approval at first reading and transmittal to the state agencies.

Jonathan Huels, representing the owner/developer, said the property is 23.5 acres in size, 3.1 of these acres is surface water or wetlands located near the Lake Pleasant Lake. This property is immediately surrounded by residential uses, and it is in close proximity to the commercial corridor of Orange Blossom Trail. The request is a future land use change to Residential Medium Low and compatible with the vicinity. He reviewed a conceptual plan that will be forthcoming if this request is transmitted to the state. He stated they are proposing a 126-unit complex broken up in to multiple buildings centered on a courtyard with amenities. He stated there would be more detail when this comes back from transmittal to the state.

In response to Commissioner Bankson inquiring if the larger portion of this property is to remain open areas, Mr. Huels responded in the affirmative and pointed out the wetland area, as well as stating approximately half of the property is to be preserved in its current state.

Mayor Nelson opened the meeting to a public hearing.

Jeff Myers inquired if they were talking about an apartment complex to which Mayor Nelson advised it was not at that level at this point and the property requires the land use changing to a higher density.

George Wilkerson said the City Attorney and the attorney for this development keep saying there is an easement at Lakeville Road. He stated his attorney sent information to the City Attorney regarding this matter. He advised they purchased the 30-foot property they are talking about and it is incorporated in with the property he owns. This was reviewed on the map.

Mr. Huels advised there was no intention to utilize the easement for access to this property and project.

Mr. Myers asked what he needed to do to stop this in lieu of what apartment complexes bring. He stated he did not welcome this project to manifest in his community. Mayor Nelson suggested Mr. Myers meet with Jim Hitt regarding the process.

Commissioner Becker asked Mr. Huels what style of apartment is planned for this property is it does go through.

Mr. Huels said the intent is to bring market rate apartments. He advised there was no desire for section 8 housing developed here. He stated the Wellington Apartments are approximately 2 miles from this area and is the model they are looking to develop.

Haide Medina said she was right next to the development and expressed concern with traffic issues. She also was concerned with privacy from 3-story high buildings.

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

**MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve Ordinance No. 2670 at First Reading and authorize transmittal to the state agencies. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

3. Ordinance No. 2676 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment. The City Clerk read the title as follows:

**ORDINANCE NO. 2676**

**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 MIXED USE TO COMMERCIAL (MAX. 0.25 FAR) FOR CERTAIN REAL PROPERTY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIL AND WEST OF STATE ROUTE 429, COMPRISING 3.17 ACRES MORE OR LESS AND OWNED BY RENUKA PRASAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

David Moon, Planning Manager, said there are five properties being processed by the Community Development Department as Administrative Future Land Use Amendments and/or rezoning. He stated he would make one general presentation for all five ordinances. The first property is north of Orange Blossom Trail and being assigned City Commercial land use designation and C-2 zoning. The other four properties are currently residential single-family homes and are being assigned City Residential zoning and Residential land use designation. He advised the City looks at the future land use designations and zoning categories consistent with the what the County had assigned to the properties at the time they annexed into the City and making sure the property owner maintains the development rights they were previously assigned. The Planning Commission reviewed each case and recommended approval as submitted in each ordinance. Staff recommends approval as assigned in each ordinance.

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. 2676 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

4. Ordinance No. 2677 – First Reading – Administrative - Change of Zoning  
Project: Renuka Prasad - Location: North of West Orange Blossom Trail, west of S.R. 429  
The City Clerk read the title as follows:

**ORDINANCE NO. 2677**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” C-2 (ZIP) TO “CITY” C-2 (GENERAL COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIL AND WEST OF S.R. 429, COMPRISING 3.17 ACRES MORE OR LESS AND OWNED BY RENUKA PRASAD; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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 Smith, to approve Ordinance No. 2677 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

5. Ordinance No. 2682 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment. Project: Douglas and Jeri Bankson - Location: 585 East Sandpiper Street  
The City Clerk read the title as follows:

**ORDINANCE NO. 2682**

**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” LOW DENSITY RESIDENTIAL TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 585 E. SANDPIPER STREET, COMPRISING 1.92 ACRES MORE OR LESS, AND OWNED BY DOUGLAS AND JERI BANKSON; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Bankson said he would abstain from Ordinance 2682 and 2683.

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 approve Ordinance No. 2682 at First Reading and carry over for a Second Reading. Motion carried 4-0-1 with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye. Commissioner Bankson abstained.**

6. Ordinance No. 2683 – First Reading – Administrative - Change of Zoning  
Project: Douglas and Jeri Bankson - Location: 585 East Sandpiper Street  
The City Clerk read the title as follows:

**ORDINANCE NO. 2683**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 585 E. SANDPIPER STREET, COMPRISING 1.92 ACRES MORE OR LESS, AND OWNED BY DOUGLAS AND JERI BANKSON; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 Smith, to approve Ordinance No. 2683 at First Reading and carry over for a Second Reading. Motion carried 4-0-1 with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye. Commissioner Bankson abstained.**

7. Ordinance No. 2684 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment. Project: Bryan and Debbie Nelson - Location: 1157 Oakpoint Circle  
The City Clerk read the title as follows:

Mayor Nelson handed the gavel over to Vice Mayor Bankson.

**ORDINANCE NO. 2684**

**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” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 1157 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY BRYAN AND DEBBIE NELSON; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Nelson said he would abstain from Ordinance 2684 and 2685.

Vice Mayor Bankson 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 approve Ordinance No. 2684 at First Reading and carry over for a Second Reading. Motion carried 4-0-1 with Commissioners Bankson, Becker, Smith, and Nolan voting aye. Mayor Nelson abstained.**

8. Ordinance No. 2685 – First Reading – Administrative - Change of Zoning

Project: Bryan and Debbie Nelson - Location: 1157 Oakpoint Circle  
The City Clerk read the title as follows:

**ORDINANCE NO. 2685**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1157 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY BRYAN AND DEBBIE NELSON; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Becker, and seconded by Commissioner Nolan, to approve Ordinance No. 2685 at First Reading and carry over for a Second Reading. Motion carried 4-0-1 with Commissioners Bankson, Becker, Smith, and Nolan voting aye. Mayor Nelson abstained.**

Vice Mayor Bankson handed the gavel back to Mayor Nelson.

9. Ordinance No. 2686 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment. Project: William D. Cook and Robyn D. Cook Revocable Trust - Location: 1163 Oakpoint Circle. The City Clerk read the title as follows:

**ORDINANCE NO. 2686**

**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” LOW DENSITY RESIDENTIAL TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 1163 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY WILLIAM D. COOK AND ROBYN D. COOK REVOCABLE TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Bankson 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 approve Ordinance No. 2686 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

10. Ordinance No. 2687 – First Reading – Administrative - Change of Zoning  
Project: William D. Cook and Robyn D. Cook Revocable Trust  
Location: 1163 Oakpoint Circle. The City Clerk read the title as follows:

**ORDINANCE NO. 2687**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1163 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY WILLIAM D. COOK AND ROBYN D. COOK REVOCABLE TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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 Bankson, to approve Ordinance No. 2687 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

11. Ordinance No. 2688 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment. Project: Carlos Verduzco - Location: 1175 Oakpoint Circle  
The City Clerk read the title as follows:

**ORDINANCE NO. 2688**

**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” LOW DENSITY RESIDENTIAL TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 1175 OAKPOINT CIRCLE, COMPRISING 1.14 ACRES MORE OR LESS, AND OWNED BY CARLOS VERDUZCO; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 Smith, and seconded by Commissioner Nolan, to approve Ordinance No. 2688 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

12. Ordinance No. 2689 - First Reading – Administrative - Change of Zoning  
Project: Carlos Verduzco - Location: 1175 Oakpoint Circle  
The City Clerk read the title as follows:

**ORDINANCE NO. 2689**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1175 OAKPOINT CIRCLE, COMPRISING 1.14 ACRES MORE OR LESS, AND OWNED BY CARLOS VERDUZCO; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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 Smith, to approve Ordinance No. 2689 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

13. Ordinance No. 2690 – First Reading - Comprehensive Plan – Large Scale – Future Land Use Amendment. Project: Carrol M. and Patricia A. Hamrick - Location: North of West Ponkan Road, west of Mount Sterling Avenue. The City Clerk read the title as follows:

**ORDINANCE 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**

Mr. Moon provided a brief lead-in for this project which is a request for a large land use amendment for property north of Ponkan Road at the west end of Mt. Sterling Avenue. The request is a change in future land use from Residential Estates to Residential Very Low Suburban. This property abuts to Rock Springs Ridge Phase II to the north and to the east with access from Pittman Road. He reviewed the distance from Ponkan Road and advised there was access from Mt. Sterling as well as Pittman Road. The developer is proposing a single-

family residential development. He reviewed the surrounding land use stating the applicant is requesting up to a maximum of two DU/AC on this property. If the future land use designation is approved by City Council, the final product will include a 20 acre parcel to the south and the two will be incorporated into a single-family residential development with a propose PUD zoning. DRC and the Planning Commission recommended transmittal to the state agencies. The recommended action is to approve at first reading and authorize transmittal to the state agencies.

Commissioner Becker inquired if there was legal access from Mt. Sterling Avenue to that property today and why this access being proposed. Mr. Moon said it was his understanding there is connection to the property. He advised the plan is not finalized and the access to the site is being evaluated. He stated there were multiple access options, one from Pittman Road and the other could be from Mt. Sterling. Mr. Moon also pointed out Vick Road on the map and said there has always been an anticipated future connection of Rock Springs Ridge larger community to Vick Road. Commissioner Becker said he did not know why there would be an entrance from a new neighborhood into an existing neighborhood and creating additional traffic through the existing neighborhood. He suggested the primary entrance to the new neighborhood off Pittman Road. Mr. Moon pointed out those options would be explored at the time of the PUD Master Plan or the Development Plan.

Commissioner Smith said it was 2.5 miles from the new neighborhood to the front of Rock Springs Ridge, but only 1 mile from Pittman Road to the other side of the new development. He declared it would only make sense to have the entrance from Pittman and Mt. Sterling be utilized for emergency vehicles.

Jason Searl, Gray Robinson, is representing the applicant and said they concur with the staff recommendation and presentation. He said that he and the engineer, Jeff Summit, are present to answer any questions. He asked to be able to respond to any public comment. He reiterated this is the first of many steps for transmittal to the state. He stated they are pre-site plan submittal to the city.

Commissioner Bankson asked staff for confirmation that if this designation goes through, it is not granting the access and that could still be blocked.

Mr. Moon responded in the affirmative, stating the first hearing is a large-scale land use amendment and if approved it will be transmitted to the state agencies. Likely, the applicant will submit plans between the transmittal and adoption hearing. There will be an opportunity to see more formally the access points during the second hearing.

Commissioner Bankson said they have received a number of emails and there is a very reasonable response that will be read during public comment for a desire to work together for a common good.

Mayor Nelson opened the meeting to a public hearing.

Hank Dunn said he lives on Mt. Sterling Avenue and his property is completely in line with this property. He is here with other members of the community stating they did not want to overwhelm with saying the same thing, so he asked those people representing Rock Springs

Ridge to raise their hand to show it is not just him speaking. He stated he appreciates the opportunity to come forward and he would not read the memorandum since the Council has this document. The basic request is to table this until February for many reasons. He said the planning process has gone on with the City and developers for some time and the community just heard of this only a week prior. He received a notice of a hearing with the Planning Commission only 5-6 days prior to the meeting. They want more citizen participation and are inviting a dialogue with the developer and prospective builders and possibly the Hamrick's. He said the Rock Springs Ridge residents are very concerned with ingress and egress. He said Pittman road is a single gravel road that is hardly big enough for the current traffic, and they bought on Mt. Sterling at the end of the road so not to have as much traffic. He said it is not designed to be a major ingress/egress road. He reiterated the residents want to talk about the planning before allowing it to go through. He expressed concern about the lot sizes, stating they were hoping the lots would be compatible with their lots and concern of lack of information. He asked for more time for a dialogue with the City and developer so that they can all be positive about this.

Commissioner Bankson inquired if there had been any attempt for a community meeting.

James Hitt, Community Development Director, said signage and notifications were sent out two weeks prior to the meeting.

Commissioner Smith said the posted signage is at the dead end of Mt. Sterling, so the residents would not see this, and the other is on Pittman Road at the very end of the one-mile length.

Mr. Dunn reiterated they were not against growth, but they also want a neighborhood compatible with what they have so to protect their investments. He requested again to table this and allow more conversation.

Discussion ensued regarding a community meeting. Mr. Hitt advised staff typically does not attend community meetings, but they can obtain the results from the HOA, developer, and report on the results prior to any public meeting.

Frank Yockos lives in Rock Springs Ridge in Phase II, stating he does not live on Mt. Sterling, but he is very concerned for those who do. He said if this were approved today, it would leave open legal loopholes so that other things can be manipulated at a future date. He stated the entrance should be a straight road from the new development out to Ponkan Road.

Christine Chancy said she lives on Spin Fisher Drive, and there are small children that play in this community. She stated no one wanted the addition of traffic from 70 new homes going through their subdivision. She asked Council to consider the ramifications.

Cory Clark said they moved to Rock Springs Ridge on Mt. Sterling with three small children because it was quiet. He said he was in agreement with the other residents.

Clint Barker said he lives on Pittman Road on a working farm with animals. He said this was some of the last farmland left in Apopka and Pittman Road was not capable of handling this traffic. He spoke of the dangers of pulling out on Ponkan Road from Pittman Road. He said there are four houses on Pittman Road and they all were on 10-acres, stating 2 DU/AC does

not make sense in this area. He said he was the closest property to this and he did not receive a notice.

Anthony Zeli said he found out about this meeting from the surveyors. He should have received a notice based on where he lives. He said this would double the amount of traffic.

Chuck Sumark lives in Rock Springs Ridge and said he agreed with everything that has been said. He said it did not make sense to drive 2.5 miles to get out through another subdivision. He said it made sense to extend Vick Road.

JJ Skowronski said they moved here because it was what they wanted in a neighborhood. He stated you cannot stand in the way of development, but asked that the density not be changed and to not allow Mt. Sterling to be used as the ingress/egress. He declared Council has the power to say no to zoning changes.

Mr. Searl said they were here today for the comprehensive plan amendment and transmittal to the state. He stated in 1990 when this property was annexed it came in with R-1AA, single-family residential zoning. This is what it will be after the comp plan amendment and what it currently is. This amendment is to uniform it which should have been done upon annexation. He said every required name was delivered a notice and return receipts were supplied to city staff. He stated throughout the process everything has been done in compliance with city requirements. He declared they were not in a position for tabling the matter; they are not the property owner and are under contract having invested significant funds. He spoke of density, stating the request is compatible with abutting property designations as indicated in the staff report. He said a habitat study will be required at the time of development plan application.

Jeff Summit, Engineer, said they have done a lot of work on this project and held many meetings with staff. He said with respect to access, if Mt. Sterling was never intended to be accessed by this parcel or to be extended south, it would have been very easy to have moved it 5-feet and it would not be contiguous to their property line. He said there is a 60-foot right of way on Pittman Road and they did meet with Public Services and performed an entire route survey for that alignment. He advised they could fit a 24-foot section in that roadway. He said there were ways around the access and solutions to the problem. He reiterated the way Mt. Sterling was platted and why the City has utilities running from Ponkan Road north connecting to Mt. Sterling. He spoke of emergency management with regards to Mt. Sterling and what it does for the City in regards to a service perspective. He pointed out the property to the south of this is heavy commercial and always envisioned to be a commercial corridor.

Brian Cummings said he has lived there for 18 years and all streets in Phase II are either dead in streets or cul-de-sacs. He said there was very little traffic on Mt. Sterling and if adding traffic from another 70 homes it will not be good. He has two handicap adult children and he does not want construction equipment coming through.

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

In response to Commissioner Smith inquiring if he should vote since he lives in Phase II, City Attorney Shepard advised Phase II was larger than 100 homes and under the 1% rule so there would be no conflict.

Commissioner Smith said his suggestion would be to accept the recommendation from Rock Springs Ridge to delay this until February. In response to Commissioner Becker inquiring as to the intention, Commissioner Smith said for the concept of changing the zoning from one DU/AC to two DU/AC and to address the ingress and egress from that subdivision allowing the residents to obtain more information.

Mr. Hitt said there is consideration for the access, but that is not being voted on with this ordinance. The request today is to bring the density from one DU/AC to two DU/AC, which is allowed by the Land Development Code for all properties north of Ponkan Road. This does not grant any rights to the access or to water and sewer.

Commissioner Becker said if they start the process on increased density; that is a direct line impact on the road conversation. While it is two separate things, they do have direct impact to each other.

Mr. Hitt responded in the affirmative. He stated one thing not brought up other than the Mayor alluding to the property to the south; it is not known if they are granting any rights-of-way in order to get out to Ponkan Road where the light to Vick Road is located. He said this is another part of the development phase.

Commissioner Smith said changing the density is setting a precedence by granting this. He stated a conversation needs to be had and explore.

Mr. Hitt pointed out that the Land Development Code allows anything north of Ponkan not in the Form Base Code area is eligible for up to two DU/AC.

Commissioner Nolan said if they do postpone it, this would give the citizens a chance to regroup and have more information. She asked if they do push forward, was there a way to expedite their process.

Mr. Hitt affirmed any comprehensive plan change over 10 acres has to be transmitted to the state and this gives a 90-180 day window to make a final decision. Typically, during this time the developer comes in with concept plans for general review by DRC to discuss ingress/egress, viability where water and sewer is and items such as this.

Mr. Searl said they would be open to having a community meeting if that is the will of the Council. He said they are under tight time restraints and would request moving forward today with approval at first reading and transmittal to the state.

Mayor Nelson reiterated that at this time they are not voting on access points, the size of the house or number of lots on the property.

Commissioner Bankson said it was unfortunate that the dialogue has not happened before now and he leaned toward giving the opportunity for dialogue and discussion of other possible scenarios.

Discussion ensued regarding timing of a delay in the process to be able to hold a community meeting.

**MOTION by Commissioner Smith, and seconded by Commissioner Bankson, to delay Ordinance No. 2690 to February 6, 2019, and a community meeting be held with residents.**

Mr. Searl said he feared a February transmittal hearing will put them into June and this is beyond their contract timing so the deal will fall apart. He requested a transmittal hearing today, a site plan they produce to the community and have it vetted by the community. They will have all of this information when it comes back for adoption. He reiterated the timing was beyond their current contract timing. He stated if density was the issue, that was one thing, but it does not appear density is the issue since this is in the Land Development Code for this area.

Commissioner Becker said this was the first time this is being presented to Council and he respects the timing, but he is trying to consider the best interest for those who have lived there 20 years.

City Attorney Shepard said the first reading is with transmittal and because of state law there is no way to expedite this. He stated the concern is after a first reading the developer can claim to have obtained an equitable estoppel. If moving in this direction, Council should obtain a waiver on the record that Mr. Searl's and his clients understand and accept that if you transmit today, that does not mean that is what you will ultimately decide at second reading and public hearing. He said the best discretion and opportunity to decide either way on an issue like this is at the comprehensive plan stage. He affirmed zoning was a quasi-judicial process and Council has to apply standards and base their decision on evidence. Comp plan amendments are legislative and Council can do as they wish as long as it is debatable. He reiterated Council has maximum discretion to say yes or no to a comp plan amendment and less so on a zoning issue. His recommendation was if deciding to proceed with the first reading and transmittal, Council should obtain an agreement on record that there is no vesting, no equitable estoppel, and Mr. Searl and his clients both understand Council can change their mind on second reading.

Mr. Searl said he and his client would accept and assume that risk.

Sandra Breeden said they were saying density was not an issue, but in her opinion for her family, density is an important issue as it is in confliction with their property sales.

Commissioner Smith supports his motion as it stands.

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

14. Ordinance No. 2691 – First 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 City Clerk read the title as follows:

## ORDINANCE 2691

**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.**

Phil Martinez, Planner, said this was a proposal for a large scale future land use amendment from “City” Rural settlement and “County” Rural” to Mixed-use interchange for 91.57 acres. He reviewed the properties on a map and advised they were subject to the Kelly Park Form Base Code and subject to a mixed-use land use. He advised the Form Base Code allows the property owner to bring into the one-mile radius a portion of property outside the radius. The Planning Commission recommends approval subject to the findings in the staff report. The recommended motion is to accept at first reading and authorize transmittal to the state agencies.

Jimmy Crawford, representing Cantero Holdings, LLC, said they agree with the staff report. He said that he, Jeff Summit, Engineer, and the owner are present for any questions. He stated he had three points, 1. Apopka has put many hours of planning time into stating in the Comprehensive Plan and special designations where growth should be directed and this property sits within one of those areas; 2. They have two neighbors in this area and they have met and spoken with them. They believe that of the character districts allowed within the Kelly Park Form Base Code for the Wekiva Interchange area, there is only one appropriate for this and that is Neighborhood, which is the least dense on the borderline area to allow for the transition of higher intensity commercial uses; and 3. He pointed out Policy 20.9 in the staff report Mixed-use Interchange is the only allowable comp plan designation within this area.

Mayor Nelson opened the meeting to a public hearing.

Jeff Welch, Rochelle Holdings, said he is one of the neighbors and he was initially concerned when he saw this, but he thinks it is fine and growth in this area is what has been envisioned. He affirmed that he supports this project.

Robert Moss said he lives on Golden Gem Road and he was trying to figure out what is going on in that area. He thought this property was zoned RCE at one time. He was told reclaimed water was going to be in the pit that was dug. He said the dump has been moved right next to his house. He said he had no problem with houses going in. Mayor Nelson suggested he come in and meet with Mr. Hitt to obtain the information planned in this area.

Jose Cantero, on behalf of the owner, said this was family property and he would be happy to communicate with any of the neighbors and share information throughout the development phases.

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

**MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve Ordinance No. 2691 at First Reading and authorize transmittal to the state agencies. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

15. Ordinance No. 2692 – First Reading – Annexation (SR 429 Group A)  
Ordinance No. 2693 – First Reading – Annexation (SR 429 Group B)  
Ordinance No. 2694 - First Reading – Annexation (SR 429 Group C)  
Ordinance No. 2695 – First Reading – Annexation (SR 429 Group D)  
Project: 429 West. The City Clerk read the four titles.

Mr. Hitt said this project the Mayor noted during the State of the City Address known as 429 West. It consists of a little over 70 acres. There are 21 parcels that will be annexed. The property was separated into four ordinances and he reviewed on a map the overall property then how they were separated into the ordinances. He reviewed the potential uses for the project. The recommended motions are to approve at first reading and carry over for a second reading and adoption.

#### **ORDINANCE NO. 2692**

**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 PATRICIA AND MAXINE LU, ROGER AND RANDALL WELKER, EARL AND ADELAIDA WILSON, POUL AND SHARON JENSEN, GUY ITAY, JAMES HOWARD HOLT JUNIOR, FREDDIE AND SANDRA JONES, AND SALLIE JACKSON, AND LOCATED AS DEPICTED WITHIN EXHIBIT “A” OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

#### **ORDINANCE NO. 2693**

**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 WILLIAMS FAMILY TRUST, AND BY JUDY BAIN AND WILLIAMS FAMILY TRUST AND LOCATED AS DEPICTED WITHIN EXHIBIT “A” OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2694**

**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 BRUCE AND JEANNIE HATCHER; AND ROBERT AND CYNTHIA HENDERSON AND LOCATED AS DEPICTED WITHIN EXHIBIT "A" OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONVLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2695**

**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 EARL AND ADELAIDA WILSON, PATRICK CONELLY, AND YONG SUN & BYUNG SOOK PAK; AND LOCATED AS DEPICTED WITHIN EXHIBIT "A" OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONVLICTS, AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to approve Ordinance No. 2692 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

**MOTION by Commissioner Smith, and seconded by Commissioner Nolan, to approve Ordinance No. 2693 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

**MOTION by Commissioner Becker, and seconded by Commissioner Nolan, to approve Ordinance No. 2694 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

**MOTION by Commissioner Becker, and seconded by Commissioner Smith, to approve Ordinance No. 2695 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

16. Ordinance No. 2696 – First Reading – Annexation  
Project: CHS Management Corporation - Location: 3443 Plymouth Sorrento Road, Plymouth Sorrento Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2696**

**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 CHS MANAGEMENT CORP. AND LOCATED AT PLYMOUTH SORRENTO ROAD, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Ms. Sanchez provided an overview of the annexation and project. She reviewed the location on a map and the surrounding land uses. The recommended motion is to accept at first reading and hold over for second reading and adoption.

Jonathan Huels, representing the applicant, said they concur with staff's recommendation and are present for any questions.

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

**MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to approve Ordinance No. 2696 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

17. Ordinance No. 2698 - First Reading - Code of Ordinances - Recodification. The City Clerk read the title as follows:

**ORDINANCE NO. 2698**

**AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF APOPKA, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**

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 approve Ordinance No. 2698 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

18. Resolution No. 2018-25 – Deeding City Owned Property to the State Of Florida Department of Transportation

Pam Richmond, Transportation Planner, said this item is connected to the City Center project and it is conveyance of 3.9 acres of city owned property to Florida Department of Transportation for the road improvements in the area. The improvements include a right turn land on US 441 going to McGee Avenue and there will be two signals installed; one at McGee and one at the reconfiguration of 441 and 436.

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 approve Resolution No. 2018-25 deeding city owned property to the FDOT. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

#### **CITY COUNCIL REPORTS**

Commissioner Becker said there needed to be action taken with the street lighting in the City. He advised there have been two fatalities over the last week in dark areas within the City. He declared the City needs to work with the County and FDOT to make this happen.

Mayor Nelson said administration has been in discussions with Pam Richards to have a comprehensive look at sidewalks and streetlights. He stated this was realistically a 10-year plan.

Commissioner Smith agreed with this concept and said he spoke with a representative from Representative Sullivan's office regarding a pedestrian crosswalk in the area of the Town Center and they are looking into funding for this.

Commissioner Smith reported that he, Mr. Bass, and Mr. Hitt met with Tim Clark of Florida Hospital and others regarding a possible satellite campus of FAMU in Apopka. He said this was highly received and they will be working toward higher education in the City of Apopka.

Commissioner Smith will be holding a holiday ham give away on December 17<sup>th</sup> at the VFW and this will require pre-registration that will be held tomorrow and Friday.

Commissioner Bankson said he attended the Apopka Airport Board meeting and said there was good discussion and they are looking for better communication with the City and involvement on the future vision.

Mayor Nelson said he has been talking with First Flight and Mr. Bass will be setting up a presentation in January.

Commissioner Nolan said the Festival of Trees is at the Museum and invited the public to come out and support the Historical Society.

### **CITY ADMINISTRATOR'S REPORT**

Edward Bass, City Administrator, reported he continues to work with the Klein's and they are taking steps to clean up debris and mowing of the golf course area.

### **MAYOR'S REPORT –**

1. Attorney Status – Mayor Nelson reported there have been discussions of having legal counsel in house. He said Cliff Shepard and his firm have done well by the City and we appreciate all of their services. He said the City would continue their serves on certain items. After a number of interviews, Dr. Joseph Byrd has been selected for the City Attorney.

Dr. Byrd thanked the Mayor and Commissioners for this opportunity and this consideration. He said much of his local government law work was done in the State of Tennessee as County Attorney for Bradley County. He stated the value of bringing counsel in house allows working with staff more closely on matters and the focus of full attention on these. He said he appreciates this consideration and would be happy to answer any questions.

**MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to ratify the appointment of Joseph Byrd as City Attorney, effective January 1, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

**ADJOURNMENT:** There being no further business the meeting adjourned at 4:30 p.m.

\_\_\_\_\_/s/\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST;

\_\_\_\_\_/s/\_\_\_\_\_  
Linda F. Goff, City Clerk