

CITY OF APOPKA

Minutes of the City Council regular meeting held on February 19, 2020, 7:00 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: Teresa Sargeant - The Apopka Chief

INVOCATION – Pastor Roger Bankson of Victory Church gave the invocation.

PLEDGE – Mayor Nelson introduced Lorelee Bockman from Apopka High School who led in the Pledge of Allegiance. She said on February 19, 1945 Marines invade Iwo Jima during WWII: On this day, Operation Detachment, the U.S. Marines' invasion of Iwo Jima, launched. Iwo Jima was a barren Pacific island guarded by Japanese artillery. The American military wanted use the land for bombing raids against Japan, located only 660 miles away. Marines began landing on the island the morning of February 19. As the Marines made their way onto the island, seven Japanese battalions opened fire on them. By evening, more than 550 Marines were dead and more than 1,800 wounded.

APPROVAL OF MINUTES

1. City Council regular meeting February 5, 2020

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the minutes of February 5, 2020, regular meeting. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye. .

AGENDA REVIEW –. City Administrator Bass advised items were being postponed to a date certain. City Attorney Byrd requested Ordinance 2753 be moved to be heard first under Public Hearings.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson to move Ordinance 2753 to first under Public Hearing. Motion carried unanimously with Mayor Nelson, and Commissioners .

PRESENTATIONS:

1. Street Lighting Update

Pam Richmond, Transportation Planner provided an update on recently completed and future roadway lighting projects. She said lighting is very important to Council and staff and they are taking a proactive approach with the help of Duke Energy to get the city streets lit. Park Avenue from Oak Street to Nancy Lee Lane had the 16 existing lights updated to LED and added 26 new LED lights on existing utility poles. This was completed in December. The next project is Park Avenue from Oak Street to 11th Street, Phase 2, which is in progress. She advised an LED was installed at Park Avenue to the south side of Sandpiper was installed to light this area. Hiawasi Road from Apopka Blvd.

to U.S. 441 doesn't have any lights. A plan is being designed for this area that is currently calling for 26 new roadway lights that will be installed. The area between 436 and 441 currently has 50 plus lights owned by the city and they plan to replace these with the clarions so they match the rest of the lights along main street and the new lights on McGee Avenue. There are two lighting projects at Alonzo Williams Park. She reviewed a diagram for Kit Land Nelson Park stating the current lights are being replaced and will have holiday receptacles. She advised there are three projects being considered for NW Recreation Center. She advised they would bring a list to Council for Council to help prioritize.

PROCLAMATION

1. Proclamation recognizing Future Farmers of America (FFA) Week presented to FFA members.
Mayor Bryan Nelson read a proclamation into the record recognizing Future Farmers of America and proclaiming February 22 through February 29, 2020 as Future Farmers of America Week.
2. Mayor Nelson read a Proclamation honoring Founder's Day for the Orlando Alumnae Chapter (OAC) of the Delta Sigma Theta Sorority and presented it to OAC members.

PUBLIC COMMENT – No speakers.

CONSENT

1. Approve Staging site agreement with Duke Energy for disaster response.
2. Authorize the Mayor or his designee to execute the VFW management agreement.
3. Authorize a traffic enforcement agreement with Oak Ridge Phase II Homeowner's Association, Inc.
4. Approve the Amendment to the Memorandum of Agreement between St. John's River Water Management District and the City of Apopka approving the General Design Criteria for the Apopka Service Center.
5. Approve the sale of alcohol at upcoming recreational events.
6. Ratify the appointment of Steve Brick as a resident trustee to the Police Officers' Pension Board of Trustees.
7. Authorize the issuance of blanket purchase orders for fiscal year 2020.
8. Accept the disbursement report for January 2020.

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

BUSINESS

1. Plat Amendment – Oaks at Kelly Park
Project: Toll Southeast LP Company, Inc.
Location: 2309 and 2405 W. Kelly Park Road
Project Manager: Bobby Howell

Bobby Howell, Senior Planner provided an overview of the Plat Amendment for Oaks at Kelly Park. September 2019 the Plat for Oaks at Kelly Park was approved for 124 single-family units. The plat was approved in one phase and the Final Development Plan was approved the same day and depicted two phases. He advised they are requesting to break the Plat up into two phases, 62 units each. Development Review Committee and Planning Committee recommend approval.

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

MOTION by Commissioner Smith, and seconded by Commissioner Nolan, to approve the Oaks at Kelly Park Plat Amendment. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nelson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

6. Ordinance No. 2753 – Second Reading – Annexation
Project: VBRO Enterprises, Inc.
Location: 25 East Lester Road
Project Manager: Jean Sanchez The Clerk read the title as follows:

ORDINANCE NO. 2753

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 VBRO ENTERPRISES, INC.; LOCATED AT 25 EAST LESTER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Byrd advised Orange County has representation present. If this is going to be postponed to April 1, 2020, they will withhold their comments.

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 postpone to the April 1, 2020 meeting. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

1. Ordinance No. 2748 – Second Reading - Comprehensive Plan – Small Scale – Future Land Use
From: Residential Low & Residential High
To: Industrial (Max. 0.6 FAR)
Project: Marshall Lake Properties, LLC
Location: 780 Marshall Lake Road
Project Manager: Phil Martinez The Clerk read the title as follows:

ORDINANCE NO. 2748

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 & RESIDENTIAL HIGH TO INDUSTRIAL FOR CERTAIN REAL PROPERTY LOCATED SOUTH OF MARSHALL LAKE ROAD AND EAST OF STATE ROUTE 451, COMPRISING 3.39 ACRES MORE OR LESS, AND OWNED BY MARSHALL LAKE PROPERTIES, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner, said there has 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. 2748. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Ordinance No. 2749 – Second Reading - Change of Zoning
From: RSF-1B (Residential Single Family – Large Lot District) & RMF (Residential Multi-Family District)
To: I-L (Light Industrial District)
Project: Marshall Lake Properties, LLC
Location: 780 Marshall Lake Road The Clerk read the title as follows:

ORDINANCE NO. 2749

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM RSF-1B (RESIDENTIAL SINGLE-FAMILY DISTRICT – LARGE LOT) & RMF (RESIDENTIAL MULTI-FAMILY DISTRICT) TO I-L (LIGHT INDUSTRIAL DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED SOUTH OF MARSHALL LAKE ROAD AND EAST OF STATE ROUTE 451, COMPRISING 3.39 ACRES MORE OR LESS, AND OWNED BY MARSHALL LAKE PROPERTIES, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Smith, to adopt Ordinance No. 2749. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Ordinance No. 2750 – Second Reading - Comprehensive Plan – Small Scale - Administrative – Future Land Use – Dream Lake Park
From: Residential Low (0-5 du/ac)
To: Parks & Recreation (Max. 0.2 FAR)
Project: City of Apopka
Location: South of Laurel Street, west of North Park Avenue
Project Manager: Phil Martinez The Clerk read the title as follows:

ORDINANCE NO. 2750

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 TO PARKS/RECREATION FOR CERTAIN REAL PROPERTY LOCATED SOUTH OF LAUREL STREET AND WEST OF N. PARK AVE., COMPRISING 4.34 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez advised there have been no changes since the first reading.

Mayor Nelson opened the meeting to a public hearing.

David Hofmann said he lives in Rock Springs Ridge and he asked about the vote on these ordinances. He said as a resident or citizen attending these meetings and the scarcity of information being provided. He asked if more information could be provided.

Mayor Nelson advised the agenda packets are out on Friday before the meeting and additional information could be obtained from the packets, or the project manager could be called for more information.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to adopt Ordinance No. 2750. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Ordinance No. 2751 – Second Reading - Change of Zoning – Administrative – Dream Lake Park
From: RSF-1B (Residential Single Family – Large Lot District)
To: PR (Parks & Recreation District)
Project: City of Apopka
Location: South of Laurel Street, west of North Park Avenue
Project Manager: Phil Martinez The Clerk read the title as follows:

ORDINANCE NO. 2751

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING

THE ZONING FROM RSF-1B (RESIDENTIAL SINGLE-FAMILY DISTRICT – LARGE LOT) TO PR (PARKS & RECREATION DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED SOUTH OF LAUREL STREET AND WEST OF N. PARK AVENUE, COMPRISING 4.34 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Smith, and seconded by Commissioner Nolan, to adopt Ordinance No. 2751. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

5. Ordinance No. 2752 – Second Reading - Change of Zoning
From: T (Transitional District)
To: AG (Agriculture District)
Project: SMK Properties, LLC
Location: South of West Hammon Drive, north of S.R. 414
Project Manager: Phil Martinez The Clerk read the title as follows:

ORDINANCE NO. 2752

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM T (TRANSITIONAL DISTRICT) TO AG (AGRICULTURE DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED SOUTH OF W. HAMMON DRIVE AND NORTH OF STATE ROUTE 414, COMPRISING 48.50 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez advised there have been no changes since the first reading.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to adopt Ordinance No. 2752. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

7. Ordinance No. 2741 – First Reading - Comprehensive Plan – Text Amendment
Future Land Use Element – Policy 3.1.r
Project: City of Apopka
Project Manager: David Moon. The City 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.

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 the March 18, 2020 meeting. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

8. Ordinance No. 2742 – First Reading - 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 City 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 TO “CITY” MIXED USE – NORTH SHORE 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, RUBRIGHT FAMILY, LP, JP HOLDINGS, INC. & JAMES SCOTT PRIDGEN, DOUGLAS & LISA SURRETT & JAMES P. PURDY; COMPRISING 349.37 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE.

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 the April 1, 2020 meeting. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

9. Resolution 2020-02 - FY19/20 Budget Amendment
Presented by: Jamie Roberson. The City Clerk read the title as follows:

RESOLUTION NO. 2020-02

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 provided an overview of the budget amendment.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to approve Resolution 2020-02. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

CITY COUNCIL REPORTS

Commissioner Nolan asked if districting would be something Council would support stating she felt it would be beneficial.

Commissioner Bankson said at some point that may be necessary, depending on the size of the city. Until it comes to that place, it lends more working together as a whole, stating he did not like the divisive side that can happen with districting. He said now, they truly represent all of the people.

Commissioner Smith agreed with Commissioner Bankson that we are not at that point yet to become districts. He said now it is more advantageous to the citizens that they all represent the entire city.

Commissioner Becker said he was always open to dialogue. He said the pros and cons and data would need to be reviewed and he would be in support for a dedicated workshop.

Commissioner Nolan said the second item she wanted to bring up is affordable housing. She stated she would love to see what our plans are for this and have the ideas and thoughts of council.

Commissioner Bankson said he has put a lot of thought to this and different ways it could be approached. A big part of that can be from the private sector. He agreed it would be good to discuss and not wait until it becomes a problem as it has in other parts of the country.

Commissioner Smith said when he was running for election affordable housing was one of his platforms. When he thinks of affordable housing, he thinks of it differently than most individuals. Most people think of apartment complexes. When he thinks of affordable housing he thinks of workforce housing, single family homes that individuals can actually own at some point. He said

this will take a partnership with the city, builders, and the nonprofit community in order to make this viable.

Commissioner Becker said they need to quantify the need and align and create a strategy for affordable housing, as well as workforce housing as Commissioner Smith discussed. He said it is a larger economic program required to make sure all of that is successful, but first, do we even have inventory in Apopka and where are the pockets of areas we would consider is currently affordable housing. Are there geographic areas where there is a need or geographic areas where there is not as much of a need. He said Commissioner Bankson mentioned the CRA district, but it is also the same boundaries that is the brownfield program with the largest incentive pool for developers that want to come here and create affordable or workforce type housing to redevelop blighted areas for that purpose. He suggested this would require facilitated conversation in a workshop.

Mayor Nelson said he served on the Orange County Commission for three years and they had a couple of projects before the County Commission. Wellington is right down the street from his home and it turned out to be a beautiful project. He said you would not know this is workforce housing. He stated we need to look not only at single-family, but all options. He affirmed the CRA budget has some heavy impact fee credits available. He said the City Attorney is working on identifying properties through Code Enforcement that can be foreclosed. 7

Commissioner Smith spoke of senior living facilities and how unfair it is for the amount the rent can be increased.

Commissioner Bankson said he has heard a lot of comments regarding Errol and asked if there was information they can have to be able to answer questions. Mayor Nelson affirmed there is a developer out of Texas who was the real estate side for the Hunt Brothers and is well connected. The same group regarding the golf course development was brought in to be in discussions of the course development. He advised there have been three meetings with this developer and his to provide an indication of where they are with this and if it will be moving forward. He stated he did not have any information regarding Rock Springs Ridge at this time.

Commissioner Smith said he attended two of the concerts at the amphitheater and both were outstanding. He stated we just need to find another mechanism of advertising these events and getting the word out so to have more people come out to participate. He said this is a great opportunity for free concerts that a lot of our citizens are missing out on.

Mayor Nelson advised we were going to start a weekly newsletter in addition to the monthly newsletters. People can sign up for the newsletter on the city's website to receive information on the events for that week.

Commissioner Bankson said the jazz groups were phenomenal and the whole city needs to come out to these. Mayor Nelson thanked Brian Foreman and staff for these events.

Commissioner Smith attended a cooking class at the Billie Dean Center where two of our firefighters were the cooks and demonstrated how they prepare meals at the firehouse.

Commissioner Becker said going to the doors you hear some of these complaints repeatedly. He asked about the status of the Vick and Lester Traffic Study to which Ms. Richardson asked that a signal warrant, round-a-bout warrant, and needs for timing on widening has been requested. She expects to have results within the next month.

Commissioner Becker thanked staff for the sidewalk repair on Ponkan Road.

Commissioner Bankson said he has had meetings regarding the foreign investment and bringing businesses here. He recognized Aviation Board members that are present.

CITY ADMINISTRATOR REPORT – Mr. Bass said he wanted to brief Council on a proposed plan for the Connelly house next to Dream Lake Park. There is an opportunity to do a partnership with Rotary Club. He said there will be improvements that will need to be made if this is going to be used as a facility for meetings or events for citizens. He asked for direction if Council would like him to work with Rotary on this and come back to Council with additional information.

It was the consensus of Council that this is a good idea, whether the building is improved or replaced.

Bill Spiegel with the Rotary Club said they agree this is a good opportunity to partner with the city and preserve this for the community rather than it be sold to a private entity. He said there would be a lot of labor involved and they are interested in working together on this opportunity.

CITY ATTORNEY'S REPORT – No report.

MAYOR'S REPORT

Mayor Nelson announced the next CRA meeting will be on March 4, 2020 at 1:00 p.m. prior to the Council meeting.

Mayor Nelson reported Saturday there are three churches participating in a clean-up and painting of three houses in Apopka. The Youth Council will be cleaning streets in South Apopka the same day.

Mayor Nelson advised Finance has an individual helping with the contracts and this has been beneficial in getting projects out to bid and flow better.

ADJOURNMENT – There being no further business the meeting adjourned at 8:29 p.m.

ATTEST:

Bryan Nelson, Mayor

Linda F. Goff, City Clerk