CITY OF APOPKA

Minutes of the regular City Council meeting held on January 16, 2019, at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT:	Mayor Bryan Nelson Commissioner Kyle Becker Commissioner Alice Nolan Commissioner Alexander Smith City Attorney Joseph Byrd City Administrator Edward Bass
ABSENT:	Commissioner Doug Bankson (excused)
PRESS PRESENT:	Teresa Sargeant - The Apopka Chief

INVOCATION: - Mayor Nelson called on Reverend Kelli Bankson, Victory Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson introduced Student Government Student: Secretary Astoria Becket from Apopka High School who led in the Pledge. She said on this day, January 16th1883, President Chester A. Arthur signed the Pendleton Act into law. After the assassination of President Garfield by a disgruntled, deranged office seeker, the act mandated that positions within the federal government should be awarded on the basis of merit instead of political affiliation.

APPROVAL OF MINUTES:

1. City Council regular meeting January 2, 2019.
   MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to approve the minutes of January 2, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith and Nolan voting aye.

AGENDA REVIEW – No changes

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Bob Stamps said he was here representing Orange Audubon Society Apopka Birding Park Committee. He thanked Mayor Nelson for moving forward with the cleanup and restoration of the Hickerson property now known as the Apopka Birding Park. He said there was a great deal of enthusiasm and anticipation regarding the future opening of this 69.5 acre city park, stating it is a unique place where people can enjoy the outdoors, hike, bike, and enjoy the wildlife. He thanked the Orange Audubon Society members, City Commissioners, Mayor Nelson, and the cub scouts and boy scouts that helped with the cleanup on the property. He stated the volunteer efforts saved the city and showed a great example of the community working together.

CONSENT

1. **To authorize closure of roads during the Martin Luther King Jr. Parade.**
2. **Authorize the issuance of blanket purchase orders.**
3. **Sewer and Water Capacity Agreement for Bridlewood Subdivision.**

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

Mayor Nelson said Commissioner Bankson is in Israel on a mission and took with him three shirts embroidered with the American Flag, the Israeli Flag, and on the sleeve the City of Apopka logo and the person's name it was being given.

BUSINESS

1. **Final Development Plan–CJS Holding (Lake Gem Lot 1)**
   Project: Property Industrial Enterprises, LLC c/o Michael R. Cooper
   Location: 701 Marshall Lake Road

Jean Sanchez, Planner, provided a brief lead-in reviewing the location of the project on a map and providing surrounding land-uses. The request is to approve the CJS Holding Final Development Plan. The parcel is in the Industrial Park Lake Gem Commerce Center, Lot 1. One of the conditions is that each lot go through the site plan approval process. The proposed building is 13,600 sq. ft. in size and 33 feet in height. Ingress and egress access is via Marshall Lake Road. There will be 32 parking spaces provided, including two handicap spaces. She reviewed the landscape plan. The Planning Commission recommends approval subject to the findings of the staff report. The recommendation is to approve the CJS Holding Final Development Plan.

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

Mayor Nelson asked that they make sure the pines proposed are not susceptible to the beetle destroying pine trees.

MOTION by Commissioner Smith, and seconded by Commissioner Nolan to approve the Final Development Plan for CJS Holding. Motion carried unanimously with Mayor Nelson and Commissioners Becker, Smith, and Nolan voting aye.

2. **Road Closures on McGee Avenue and East 6th Street**
   Project: City Center – Off-Site Road Improvements.

Pam Richmond, Transportation Planner, reviewed the road closures on McGee Avenue and East 6th Street for the City Center road improvements. There are two closures in the packet and a third brought to her attention today was handed out, all related to the City Center. McGee Avenue from south of the Burger King to 6th Street and 6th Street closures in two segments from Tilden to Christiana and from McGee to Tilden. These closures are necessary for the offsite roadway improvements while building the hotel. They are coordinating with the Police and Fire Departments and Public Services to minimize the inconvenience as much as possible. The third closure is next Tuesday from 8:00 a.m. to 12:00 noon for the closure of East 6th Street. The recommendation is to approve the road closures as submitted.

In response to Mayor Nelson as to this being poste on the City's website, Ms. Richmond responded in the affirmative.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker to approve the road closures on McGee Avenue and East 6th Street as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

3. Transportation Impact Fee Update Study – Tindale Oliver
Project: City of Apopka

Ms. Richmond reported that in March of last year Council approved negotiations with Tindale Oliver on a Transportation Fee Study update. The negotiated amount is $121,820 and they would request authorization for this amount in order to move forward with the study. She affirmed this will be more than an impact fee update, it will also include prioritization of road improvements and update to the transportation element of the comprehensive plan and capital improvements plan.

Mayor Nelson opened the meeting to public comment. No one wishing to speak, he close the public comment.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve the amount of $121,820 in expenditures for Oliver Tindale to conduct the Transportation Impact Fee Study. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

Commissioner Becker said it was worth noting that the City did amount $1.7 million in Transportation Impact Fees in 2017. He stated to spend $122,000 to get us to a level where we can potentially be where we should be and what we stand to gain.

4. Authorize the agreement and associated expenditure for Axon Enterprises, Inc.

Deputy Chief Fernandez said they had discussed the purchase of Tasers during the prior budget and it was decided to replace the Tasers through a five-year agreement, spreading the payments out. The first year was funded and last October it was determined this did not need to come back to Council. However, when they received the second year's payment it was discovered that the capital lease had not been placed on the books. They are back for transparency to make sure Council knows and understands what this covers.

MOTION by Commissioner Smith, and seconded by Commissioner Nolan to authorize the agreement and associated expenditure for Axon Enterprises, Inc. for Tasers. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2699 - Second Reading - Change of Zoning – Overlay District Master Plan
   Project: Orlando Beltway West Parcel
   Location: 5401 Effie Drive
   The City Attorney read the title as follows:

ORDINANCE NO. 2699

AN ORDINANDE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP) TO "CITY" KELLY PARK INTERCHANGE MIXED-USE (KPI-MU), AND ASSIGNING A KELLY PARK CROSSING EMPLOYMENT MEDTECH CAMPUS OVERLAY DISTRICT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF STATE ROAD 429 AND EAST OF EFFIE DRIVE, SPECIFICALLY LOCATED AT 5401 EFFIE DRIVE, COMPRISING 51.0 ACRES MORE OR LESS, AND OWNED BY ORLANDO BELTWAY ASSOCIATES; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Bobby Howell, Senior Planner, 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 Nolan, and seconded by Commissioner Becker to adopt Ordinance No. 2699. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

2. Ordinance No. 2707 – Second Reading - Annexation
Project: Ramjit Bhoodram Life Estate, Ramjit Ethel R Life Estate, Rem: Ramjit Family Trust
Location: 2378 Marden Road
The City Attorney read the title as follows:

ORDINANCE NO. 2707

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 SITUTATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY RAMJIT BHOODRAM LIFE ESTATE, RAMJIT ETHEL R. LIFE ESTATE, REM: RAMJIT FAMILY TRUST: LOCATED AT 2378 MARDEN ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Howell 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 Nolan, and seconded by Commissioner Smith, to adopt Ordinance No. 2707. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

3. Ordinance No. 2702 – First Reading - Small Scale – Future Land Use Amendment
   Project: Construesse USA, Inc.
   Location: 2600 Rock Springs Road.
   The City Attorney read the title as follows:

ORDINANCE NO. 2702

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 LOW SUBURBAN FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEKIVA POINTE CIRCLE AND WEST OF ROCK SPRINGS ROAD, COMPRISING 9.59 ACRES, MORE OR LESS AND OWNED BY CONSTRUESSE USA, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner, provided a brief lead-in for the project, reviewing the location on an aerial map and surrounding uses. The subject property annexed on October 17, 2018, and is waiting an application for city zoning. On January 8, 1=2019, the Planning Commission found the proposed future land-use amendment consistent with the comprehensive plan and recommended approval. The recommendation is to accept Ordinance 2702 at first reading and carry it over for second reading and adoption.

Montaz Barq, Terra-Max Engineering, representing the applicant said they agreed with the staff report and were present to answer any questions.

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 approve Ordinance No. 2702 for first reading and carry over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

4. Ordinance No. 2705 – First Reading – Small Scale – Future Land Use Amendment
   Project: William & Cecilia Uebel and Jose & Iris Acevedo
   Locations: 355, 363, and 371 West Kelly Park Road.
   The City Attorney read the title as follows:

ORDINANCE NO. 2705

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE AOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE ESIGNATION FROM COMMERCIAL TO RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FORE CERTAIN

REAL PROPERTY LOCATED NORTH OF W. KELLY PARK ROAD AND WEST OF MT. PLYMOUTH ROAD, COMPRISING 1.36 ACRES MORE OR LESS, AND OWNED BY <u>WILLIAM & CECILIA UEBEL AND JOSE & IRIS ACEVEDO</u>; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIE DATE.

Mr. Martinez said the applicant was proposing a small-scale future land-use amendment from Commercial to Residential very low suburban. He reviewed the location of the property and surrounding uses on an aerial map. The intent is to create a legal conforming use for the houses on the property. The property is currently zoned C-1 with an application for rezoning to R-1 to be covered in the next agenda item. The Planning Commission recommends approval. The recommendation is to accept Ordinance 2705 at first reading and carry over for a second reading and adoption.

Denny Shiver with Lou Haubner Realty is representing the applicants said he was present to answer any questions.

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. 2705 at first reading and carry over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

5. Ordinance No. 2706 – First Reading - Change of Zoning
Project: William & Cecilia Uebel and Jose & Iris Acevedo
Locations: 355, 363, and 371 West Kelly Park Road.
The City Attorney read the title as follows:

ORDINANCE NO. 2706

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM C-1 (COMMERCIAL RETAIL DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED NORTH OF WEST KELLY PARK ROAD AND WEST OF MT. PLYMOUTH ROAD, COMPRISING 1.36 ACRES MORE OR LESS, AND OWNED BY <u>WILLIAM & CECILLIA UEBEL AND JOSE & IRIS ACEFEDO</u> PROVING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Martinez said the applicant is proposing zoning from C-1 to R-1 for the same property as the previous agenda item. The finding are the same as previously reviewed. The proposed R-1 zoning is compatible with the proposed Residential very low suburban land-use. The Planning Commission recommends approval. The recommendation is to accept Ordinance 2706 at first reading and carry it over for second reading and adoption.

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. 2706 and at first reading carry over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

6. Ordinance No. 2700 – First Reading – Land Development Code Update
Project: City of Apopka
The City Attorney read the title as follows:

ORDINANCE NO. 2700

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ADOPTING AND ENACTING A NEW CODE FOR THE LAND DEVELOPMENT CODE, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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.

Jim Hitt, Community Development Director, said they have been working on the rewrite of the Land Development Code (LDC) for close to two years. This is the first complete rewrite of the Land Development Code. He advised there were carryovers from the previous code, but as discussed and reviewed in joint meetings there have been numerous amendments. The primary concern is to make the code more user friendly with more diagrams added and more explanations. The RFQ was awarded to Clarion and Associates in December 2017. Since then there have been several joint meetings with Council and the Planning Commission. He reviewed some of the highlights such as: new graphics have been added; incorporated the Design Guidelines and Form Base Code; they have consolidated some of the zoning categories and added some new categories; consolidation of the downtown area; consolidated the mixed-use districts in one area; restructured the approval process for developments making them easier to follow and shorten the timeframe for review; added a new complete streets section; updated parking regulations; and added a new airport district and regulation maps. He reviewed the zoning districts and the recommended square footage in the new LDC. Planning Commission recommended approval with the inclusion of ADA language regarding van accessible parking spaces. He advised that staff recommends deleting the Small Lot Overlay district. If someone desires this type of development, a PD can be applied for and go through that process.

Craig Richardson, Clarion and Associates, provided a presentation high lighting key points in the new Land Development Code. He said there has been a reorganization of the document making it more logical in terms of structure. He said there are ten articles and it is organized with the permitting applications all in Article 2, zoning districts and use regulations are in Articles 3 & 4, and then all of the development standards are together in Articles 5 & 6. He went on highlighting areas and pointed out that the official zoning district map is in Article 1. The end of Article 1 contains the transition from the existing code to the new Land Development Code. This transition area also allows for an applicant that applied under the old code may continue under the old code. However, a provision provides for the applicant to withdraw and submit under the new code if they desire. Any existing development approvals will be recognized as legitimate and may proceed with the terms and conditions of that approval. He advised Article 2 consolidates all the development review procedures. In the beginning of this article, there is a summary table for the review process. The new code has a set of standard procedures that apply to all development applications. The final section deals with the individual development applications. They have modernized and streamlined the Planned Development (PD) procedure making it more user friendly. The new code allows minor Planned Developments to be reviewed and decided by the Development Review Committee. He pointed out that threshold levels have been increased so that a major PD is 300 residential units, as well as increasing the nonresidential standards. An administrative adjustment provision has been added as discussed at the joint workshop. This provision allows for minor modifications, subject to review criteria. He pointed out that there has been consolidation of districts that were similar, and created a residential mixed-use district. He spoke of graphics and photographs making the new code more user friendly. He spoke of the downtown and how many of the provisions were consolidated and created a downtown that supports more walkable development and more flexibility. They carried forward the Kelly Park Form Base Code and drafted provisions for the east shore. Use regulations were consolidated into a table in Article 4 that organizes and identifies each of the uses and districts where they are permitted. He said there was a parking standard table that can be utilized to determine the parking standards for the development. There were two sets of parking standards that he reviewed. He stated landscaping and buffering have been modernized and they have added foundation-planting standards, plant diversity requirements, and the water wise standards were carried forward. There is more flexibility with the buffering standards and options available. He advised most open space standards exceed or are equal to the current requirements. They have added neighborhood compatibility standards. There are also green building standards that can be utilized.

Commissioner Becker said the Planning Commission has one recommendation regarding accessible parking and asked if this was the only formal recommendation.

Mr. Hitt responded in the affirmative.

Commissioner Becker asked what this would look like once it is codified, to which Mr. Richardson said they have discussed codification of this document with Municode and they can translate around 90% of the graphics in Municode.

Commissioner Becker asked what happens when there are conflicts with definitions of like terms elsewhere in our ordinances to which Mr. Richardson said the definitions in the Land Development Code are the definitions that will be utilized in the LDC. He stated the most restrictive provision would prevail, whether in the LDC, Statutes, or other Ordinance.

Commissioner Becker advised an email was received from Derek Ryan regarding landscaping concerns. He asked if they had input from landscaping experts so that they feel confident the LDC landscaping code will hold up. He also stated he felt 300 was a high threshold before a major development is brought before Council.

Commissioner Nolan agreed this was a large threshold and said citizens like that these come to Council and held accountable. She stated Council needs to continue having a say in these developments.

Discussion was also held regarding a small lot zoning district and Council having the flexibility of deciding what is right for the City. It was the consensus that 50 residential lots or more and 50,000 square feet or more for commercial come before Council.

Mayor Nelson suggested pushing the second reading out to the second meeting in February in order to allow time to review and make the suggested amendments.

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. 2700 and carry over for a second reading on February 20, 2019 with the following amendments: residential 50 lots or more and 50,000 sq. ft. for commercial has to come before Council; add permit uses for medical marijuana dispensaries, remove small lot district and small lot overlay district, change square footage for residential, and add service repair shops. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

7. Resolution 2019-02 - FY18/19 Budget Amendment
The City Attorney read the title as follows:

RESOLUTION NO. 2019-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019, PROVIDING FOR A BUDGET AMENDMENT.

Jamie Roberson, Finance Director, reviewed the budget amendments to the FY 18/19 Budget.

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. 2019-02. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

Mayor Nelson said Tangela Whaley brought to his attention that some municipalities are waiving fines and late fees and arranging payments for utility billing for Federal employees with the government shutdown. Ms. Roberson advised we already have policies in place for payment arrangements. She said they could research this further with regard to late fees. Commissioner Nolan said Soccer enrollment was going on and suggested taking it a step further and look into working with Federal employees with regard to Parks and Recreation programs.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to work with Federal employees to waive any fines and work on payments for utility billing and Parks and Recreation programs as discussed. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

CITY ADMINISTRATOR'S REPORT – City Clerk Goff reported that Susan Bone, Deputy City Clerk, has earned the designation of Certified Municipal Clerk (CMC), awarded by the International Institute of Municipal Clerks after three or more years of taking continuing education classes.

CITY COUNCIL REPORTS

Commissioner Nolan reported the Apopka Historical Society will be holding a meeting on January 27th at 2:00 p.m. at the Museum and they will be discussing what they will be doing this upcoming year.

MAYOR'S REPORT

1. Appointment of Vice Mayor Bankson as the alternate MetroPlan Member.
   MOTION by Commissioner Becker, and seconded by Commissioner Smith to appoint Vice Mayor Bankson as the alternate MetroPlan member. Motion carried unanimously with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye.

   Mayor Nelson reported starting next month disbursements will be part of the consent agenda. He also reported on January 26, 2019, the City of Apopka would partner with Orange County distributing Bear Carts in front of the old Albertson's from 10:00 a.m. to 2:00 p.m. They will also have information regarding recycling.

   Commissioner Nolan reminded everyone of the Martin Luther King Parade on Monday.

ADJOURNMENT: There being no further business the meeting adjourned at 9:03 p.m.

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Bryan Nelson, Mayor

ATTEST;

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Linda F. Goff, City Clerk