

CITY OF APOPKA

Minutes of the regular City Council meeting held on November 7, 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 Harmony Collen, SGA President, Apopka High School, who said World War One ended at the eleventh hour on the eleventh day of the eleventh month in 1918. She then led in the Pledge of Allegiance.

Mayor Nelson also recognized:

Desiree Birriel, SGA Vice President and Homecoming Queen
Dewey and Daisy Darter (Kameron Wade and Elena Korkes)
Angels, (Dewey & Daisy's body men - Abbey Bankson and Dianna McNeil)

APPROVAL OF MINUTES:

1. City Council regular meeting October 17, 2018.
2. City Council/Planning Commission joint workshop October 18, 2018.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to approve the minutes of October 17, 2018, and October 18, 2018, as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Nolan voting aye.

AGENDA REVIEW – City Administrator Bass advised Consent Agenda Item #4 was not in the electronic version. Each Commissioner received a copy and copies were on the table for any public that wanted to review. Mayor Nelson advised people were present wanting to comment on Item #4 of the Consent, so this will be pulled as a separate item.

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

EMPLOYEE RECOGNITION:

- Antonio Batista – Fire / EMS – Five Year Service Award. The Commissioners joined Mayor Nelson in congratulating Antonio on his years of service.

- Haley R. Lovell – Police / Communications – Five Year Service Award. Haley was not present and her award will be presented at another time.
- Mandy E. Mathis – Fire / EMS – Five Year Service Award. Mandy was not present and her award will be presented at another time.
- Donna L. Saladin – Police / Communications – Five Year Service Award. The Commissioners joined Mayor Nelson in congratulating Donna on her years of service.
- Dylan C. Spencer – Fire / EMS – Five Year Service Award. The Commissioners joined Mayor Nelson in congratulating Dylan on his years of service.
- Jason C. Watson – Fire / EMS – Ten Year Service Award. Jason was not present and will be presented his award at another time.
- Dwight L. Ashton – Fire / EMS – Fifteen Year Service Award. Dwight was not present and will be presented his award at another time.

PROCLAMATIONS:

1. Recognition of Apopka as a Purple Heart City.

Mayor Nelson invited Fred Robinson to come forward to introduce distinguished guests present. He introduced Ernie Rivera with the Military Order of the Purple Heart, Dana Galwin, and Retired United States Marine Corp General Arnold Fields.

Mayor Nelson read a proclamation supporting Apopka's military veteran population and proclaimed the City of Apopka as a Purple Heart City encouraging citizens to continue support of our military heroes.

Fred Robinson presented Purple Heart Special Recognition plaque to the City of Apopka for the City's dedication and support of wounded veterans and becoming a Purple Heart City.

PRESENTATIONS:

1. Waste Water Plant Expansion.

Jay Davoll, Public Services Director, provide an update with background regarding the Waste Water Plant expansion. The old plant was a combination of two plants with a capacity of 4.5 million gallons a day. He reported the city is expanding to 8 million gallons a day and new technology to help reduce nitrogen and help the environment. Construction began in October 2016. He advised the east side is under substantial completion and they are working on the west side. He advised this should serve the city's capacity through 2030. The project is around \$65 million and funded through the State Revolving Fund. He stated they evaluated two options for this process and it was determined to add a second anoxic basin due to the proven efficient removal of nutrients and the long-term economic benefit. The environmental benefits are also improved through this. The plant location is at Cleveland and this site has been in use for more than 40 years and regularly maintained. He advised the loan will be paid through impact fees and customer payments. He advised the project is currently approximately 85% complete. He stated the east side plant is substantially completed and they are fully working on the west side now, which is 33% complete. The entire project is estimated to be complete in April 2019. He reviewed aerial photographs of the Water Reclamation Facility.

In response to Mayor Nelson, Mr. Davoll advised that last year the City spent approximately \$250,000 to haul off waste. This will now go through a drying process and utilized as fertilizer.

2. Debt Overview Presentation

Jamie Roberson, Finance Director, said that Angela Singleton, Assistant Vice President of Hilltop Securities will be presenting the debt overview. She advised this was not just in reference to the wastewater plant, but the current outstanding debt of the city as a whole.

Ms. Singleton advised the city currently has General Fund, Sanitation System, and Utility System debt outstanding. The General Fund has approximately \$10.7 million outstanding in bonds and bank loans. In addition, there is a \$4.7 million in leases outstanding. The Sanitation System has \$249,000 in bank loans outstanding. The Water and Sewer System has \$80 million in debt outstanding and this includes the \$14 million in bonds issues in 2012 and approximately \$66 million in State Revolving Loan Funds for the wastewater system that was just discussed. She pointed out that all of this has not yet been disbursed. The Utility System Refunding Revenue Bonds, Series 2012, are the only ones with a Moody rating of Aa2 and she advised this is a high quality rating. The City is considered a low credit risk. A copy of the presentation is on file in the Finance Department and the City Clerk's office.

Ms. Roberson pointed out that a draft policy for a potential Debt Management Policy and a Disclosure Policy were included in the packets. She advised they were not requesting any action on these at this time, but after discussions with each Commissioner, they will bring back some modifications to these policies for approval in the near future.

Public Comment:

Helen Zanders said she was here from Zanders Funeral Home a family owned business that has been in the City of Apopka since 1970. She said she was in the process of doing some remodeling and upgrading of the facility. Upon contacting the City she was informed that she would have to switch over to city sewer and would incur impact fees in the amount of \$20,000. She stated she was in an existing building and not redoing the entire facility. The request was to tap the existing building to a location where plumbing was to be added. She said this put her in a stand still as far as receiving the permit for plumbing. She does currently have city water and garbage.

Mr. Bass advised the City has bond covenant that is restrictive and the impact fees we are required to collect because of this. He advised there were ways the City can work with them on payment of the impact fees and he would be willing to meet with her to go over and review various options.

Mayor Nelson said she was in the CRA and there may possibly be programs available.

CONSENT

1. Approve the calendar year 2019 Floating Holiday.
2. Authorize the presentation of service weapons to retired members of the Police Department.
3. Authorize expenditures from Law Enforcement trust funds for investigative buys and undercover operations.
4. Authorize the purchase of herbicide for Lake McCoy in coordination with Orange County.
5. School Concurrence Agreement with Apopka Farms.
6. Sewer and Water Capacity Agreement with San Sebastian Reserve.
7. Sewer and Water Capacity Agreement with Vista Reserve.
8. Approve the first extension of two continuing service contracts for Geotechnical and Environmental Engineering Services.

9. Approve the first extension of multiple continuing service contracts for Professional Engineering Services.
10. Authorize a purchase for an emergency purchase of a mobile pump for the Utility Maintenance Division.
11. Authorize the purchase of two new replacement pumps for sewer lift stations utilizing the Florida Sheriffs Association Contract.
12. Authorize a purchase for an emergency repair at the North Shore Reuse Water Pump Station.
13. Authorize the purchase of vehicles and equipment utilizing the Florida Sheriffs Association Contract.
14. Authorize the issuance of blanket purchase orders for the Utilities and Sanitation Divisions.

Consent Item 4 was pulled for separate discussion and action.

MOTION by Commissioner Smith, and seconded by Commissioner Nolan, to approve items 1-3 and 5-14 on the Consent Agenda. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, and Nolan voting aye.

Edward Bass, City Administrator, said the City was approached by Orange County in 2016 regarding the possibility of an interlocal agreement to help with the Lake McCoy residents. He said Lake McCoy was a private lake with 55% of the citizens in Orange County and 45% in the City of Apopka. Since this is a private lake our Stormwater Assessment cannot be utilized. He stated the City's legal team is working with the County on an interlocal agreement to where our citizens will be part of the MSBU which is administered by Orange County. He said this will give the Apopka residents in this area a say regarding the maintenance of this lake. He advised there was funding in the budget for this one-time expense to the City.

Mayor Nelson opened public comment.

Jack Cooper lives in the County and has been paying into this for 8-10 years. He said in 2016, then Commissioner Nelson, got the County together and had the residents paying into their taxes for this. He stated they thought the City residents would automatically be paying into it as well, but they were not. He thanked Mr. Bass and Mayor Nelson for bringing this forward. He advised his assessment was approximately \$230 a year on his taxes. He said Lake McCoy feeds north, across Sandpiper and goes up into Wekiva and is based on runoff.

Dennis Wilcox said he has lived on Lake McCoy for 30 years now and he has seen the levels go up and down, have hydrilla and lilly pads in the lake. He declared it is in the worst shape than it has been in 30 years. He stated they had carp in the lake, but it appears that when the water level went up the carp fence was knocked down and water was rushing out, so nothing was attacking the hydrilla. He said at one time they went door to door for donations for herbicide prior to the MSBU.

Mayor Nelson advised he would be abstaining on this item since he has access to a dock and lives in the neighborhood.

No one else wishing to speak, public comment was closed.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to approve Consent Item 4. Motion carried 4-0-1 with Commissioners Bankson, Becker, Smith, and Nolan voting aye, and Mayor Nelson abstained.

BUSINESS

1. UCF Incubator lease and renovations.

Jim Hitt, Community Development Director, said this was a continuation of a discussion Council voted on last month regarding the UCF Incubator where funding was approved for \$45,000 toward renovation of a building Florida Hospital/Advent Health owns at 205 North Park Avenue, along with an additional \$5,000 toward the actual move. Today, there are four items being requested; 1) authorize staff to execute the agreement with Florida Hospital for the lease; 2) authorization for a sublease with UCF; 3) waive permit fees for the building renovation and inspections; and 4) authorize staff to coordinate with the contractor for renovations. He pointed out on pages 6 and 9 there are references to the UCF Business Incubation program and those should be the City of Apopka in this case. He pointed out that page 1 references a month-to-month lease and the City will request a year lease with a 60 day out clause.

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 the lease and renovations for the UCF Incubator with the noted corrections. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Final Development Plan – 7-Eleven Rebuild

Project: 7-Eleven Inc. c/o Craig Cornelison, P.E.

Location: 2229 East Semoran Boulevard.

Jean Sanchez, Planner, said this request was to approve the 7-Eleven Rebuild Final Development Plan for the property located at 2229 East Semoran Boulevard. She reviewed an aerial of the property and advised this is for an additional square footage of 1,280 square feet. The project has been determined a redevelopment plan based on Section 6.07(A) Hardship Waiver, of the Land Development Code. A total of 33 parking spaces will be provided as required by code, one of which will be a handicap parking space. DRC recommends approval. The Planning Commission recommended approval at their October 23, 2018 meeting.

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 the Final Development Plan for 7-Eleven Rebuild. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Final Development Plan – Apopka Business Complex Addition

Project: Little Brownie Properties, Inc.

Location: 1350 Sheeler Avenue

Ms. Sanchez provided a review of the Apopka Business Complex Addition Final Development Plan. She reviewed the location of the project on an aerial map. The proposed building is 30,050 square feet in size and dedicated to light industrial flexible use space that includes product storage and private offices. She stated the applicant has requested a reduction of a 50-foot buffer to a 30-foot buffer with enhanced landscaping. Access will remain via Sheeler Road. DRC and Planning Commission recommend approval.

Steve Allen, Civil Engineer and representing the applicant, said they agree with staff recommendations and are 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 Bankson, and seconded by Commissioner Becker, to approve the Final Development Plan for Apopka Business Complex Addition. Motion carried unanimous with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Final Development Plan – Meadow View Apartments

Project: Allonde Development, LLC

Location: 1611 Vick Road

Pam Richmond, Transportation Planner, said this was a request to approve the Final Development Plan for Meadow View Apartments, a 43-unit luxury multifamily apartment complex. She reviewed the location of the project on a map and the surrounding land uses. The plan is for five two-story buildings and the complex will be comprised of 4 one-bedroom units, 30 two-bedroom units, and 9 three-bedroom units with the minimum size of 771 square feet. The applicant meets the parking requirements with additional spaces for overflow parking. Upon review by the Planning Commission, they recommended one handicap parking space at each building. The applicant agreed to add two handicap spaces for this reason. There will be one access point near Vick Road. Condition of approval has been placed requiring the developer and future property owner to trim back the trees and shrubs located on the city right-of-way on the east side of Vick Road and to keep the line of site clear in the future. The applicant agreed to install a left turn lane at the entrance. DRC recommends approval and Planning Commission recommends approval with the two additional handicap parking spaces.

Steve Allen, said he was the Civil Engineer for this project and available for questions. In response to Commissioner Becker, he advised coming from Welch Road to Vick Road, the buildings will be approximately 10-feet below Vick Road.

Discussion ensued regarding the walls or fence. Mr. Moon advised the Land Development Code would allow up to 50% of the wall to be wrought iron style fence with pillars. Mr. Hitt advised the area directly across from Welch Road will require a solid wall due to the headlights from vehicles.

Mayor Nelson 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 Smith to approve the Final Development Plan for Meadow View Apartments. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

5. Final Development Plan – Sterling Title

Project: Prograde Homes, Inc., c/o Bryan Blake

Location: 217 South Highland Avenue

Ms. Sanchez reviewed the Final Development Plan for Sterling Title. She reviewed the location east of Highland Avenue and south of Monroe Avenue. The location was reviewed on an aerial map. This is the conversion of an existing residential structure with 1,337 square feet of area to an office use. There will not be any square footage added to the building and the ingress/egress will be via Highland Avenue. The applicant requested a reduction of required minimum length of a tandem parking space from 18 feet to 16 feet due to minimum space. She advised the landscaping plan meets the requirements of the Land Development Code. Planning Commission recommends approval.

Eric Lagassey, Linn Engineering, was 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 the Final Development Plan for Sterling Title. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

6. Final Development Plan/Plat – Carriage Hill, Phase II Subdivision

Project: JTD Land at Rogers Rd, LLC

Location: 1455 West Lester Road and West Lester Road

Ms. Sanchez said this request was to approve the Carriage Hill, Phase II, Subdivision Final Development Plan and Plat. She reviewed the location stating it is a continuation of the subdivision. The Final Development Plan is consistent with the Preliminary Development Plan that was approved by Council on September 5, 2018. The Planning Commission recommends approval. The recommendation is to approve the Final Development Plan/Plat for Carriage Hill, Phase II.

Chris Allen, Dewberry Engineering, 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 the Final Development Plan for Carriage Hill, Phase II Subdivision. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2657 – Second Reading – Right-of-Way Vacate

Project: Mid-Florida Freezer Warehouse Ltd., c/o Pat Lee

Location: South of U.S. Highway 441, East of Hermit Smith Road and West of US 441.
The Clerk read the title as follows:

ORDINANCE NO. 2657

AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A RIGHT OF WAY, KNOWN AS FRONDS ROAD LOCATED SOUTH OF U.S. HIGHWAY 441, EAST OF S.R. 429; IN SECTION 1, TOWNSHIP 21, RANGE 27, OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS AND AN EFFECTIVE DATE.

Pam Richardson, Transportation 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 Bankson, to adopt Ordinance No. 2657. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Ordinance No. 2680 – Second Reading – Utility Easement Vacate
Project: Willie and Cynthia McInvale
Location: 1541 Islay Court. The Clerk read the title as follows:

ORDINANCE NO. 2680

AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A PORTION OF THE EASEMENT AT THE REAR OF 1541 ISLAY COURT, LOCATED NORTH OF ISLAY COURT, WEST OF TOURNAMENT DRIVE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner, said there were 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. 2680. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Resolution 2018-23 – FY 17/18 Budget Amendment.

RESOLUTION NO. 2018-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, PROVIDING FOR A BUDGET AMENDMENT.

Jamie Roberson, Finance Director, reviewed Resolution No. 2018-23 and the associated budget amendments.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker to approve Resolution No. 2018-23. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Resolution 2018-24 – FY 18/19 Budget Amendment

RESOLUTION NO. 2018-24

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 Resolution No 2018-24 and the associated budget amendments.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker to approve Resolution No. 2018-24. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

CITY ADMINISTRATOR'S REPORT

1. Appointment of Brian Forman as the Recreation Director.

Mr. Bass said he was seeking ratification of the appointment of Brian Forman as the Recreation Director. He said this position was advertised and there were several qualified candidates. Following interviews it was felt Mr. Forman was a good fit for our Recreation Department. He has 22 years of experience as a municipal recreation director, is a certified recreation professional and served in Apopka previously as Recreation Maintenance Manager. He currently serves the City of Bartow as Recreation Director.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to ratify the appointment of Brian Forman as Recreation Director. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

Mr. Bass said a few weeks ago discussion was held regarding temporary closing of Bradshaw Road for an emergency replacement of a generator for Lift Station 77. Public Services will be providing this closure on Tuesday, November 13, 2018, from 9:00 a.m. to 1:00 p.m.

He reported DEO had been requested to approve the award to MIE, Inc. for construction of Alonzo Williams Community Center. He said we received approval and the preconstruction meeting will be held next week.

CITY COUNCIL REPORTS

Before going into this matter, Commissioner Becker recognized that Apopka lost a great Apopkan in Ms. Bell Gillium.

1. **Alcoholic Beverage Ordinance: Hours of Sale**

Commissioner Becker said he was not trying to change the Ordinance recently adopted, but he would like to revert to the time that was in the previous Ordinance language in terms of non-restaurant hours of operation. The previous ordinance allowed on premise sells to start at 9:00 a.m. for non-restaurant, but the change took it to 11:00 a.m. The ability for a restaurant to serve mimosas or similar beverages is not allowed. He would like to revert back to 9:00 a.m. that was in the previous language. He stated this did not seem to adversely or negatively impact any businesses.

Commissioner Nolan said she would like to have more time to consider this.

Mr. Bass advised if this were to change it would require an ordinance.

Commissioner Bankson reported there was a meeting on the trip to Israel that is coming up in January. There were representatives there from the City and business representatives. This was very well received.

Commissioner Nolan said there were many volunteers that worked on the Lodge and she appreciated all who came out.

Commissioner Smith said he called the County regarding Michael Gladden Boulevard and possibly having four lanes. He said this started conversation regarding widening and the traffic issues. He announced that he was having a “Calling a Few Good Men” conference on Saturday at the VFW Post from 10:00 a.m. to 2:00 p.m.

MAYOR’S REPORT –

1. Framed 1951 Towne of Apopka Municipal Bond donated anonymously to the City of Apopka. Mayor Nelson said there was an anonymous donor at the John Land Trust Gala last week to donate a bond dated August 15, 1921. He stated they will be hanging this in City Hall.

Mayor Nelson reported and congratulated George Garcia and Curtis Johnson who just passed the Orange County Class-A Underground Utilities Pipeline contractor exam.

Mayor Nelson said there was a group here from Sweden yesterday discussing our government and how we operate, as well as they were able to go to the VFW Polling site to see how our voting operates.

Mayor Nelson thanked the Rotary Club for the amazing job at Kit Land Nelson Park. He thanked Recreation and Streets for their hard work getting this park ready. He reported the fly over is at 5:00 p.m. at Kit Land Nelson Park and the program starts at 6:00 p.m.

ADJOURNMENT: There being no further business the meeting adjourned at 3:24 p.m.

_____/s/_____
Bryan Nelson, Mayor

ATTEST;

_____/s/_____
Linda F. Goff, City Clerk