CITY OF APOPKA

Minutes of the City Council regular meeting held on November 4, 2020 at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alexander Smith
City Administrator Edward Bass
City Attorney Michael Rodriguez

PRESS PRESENT: John Peery – The Apopka Chief

INVOCATION/PLEDGE – Commissioner Bankson provided the invocation; led in the Pledge of Allegiance and provided the Fact of the Day as follows: He said that on November 2, 1947, Howard Hughes debuted the largest aircraft ever built at that time, the H-4, otherwise known as the Spruce Goose. Hughes, a successful Hollywood movie producer at the time, created his own aircraft company in 1932 where he tested cutting edge technology. In 1937, he broke the record for transcontinental flight time and in 1938 he flew around the world in just three days. In 1941, the US Government commissioned Hughes's company to build a large flying boat to carry men and materials over long distances as part of the WWII efforts. Industrialist Henry Kaiser originally came up with the concept for the H-4 plan but dropped out early which left the project up to Hughes and his team. Due to wartime restrictions on metals, Hughes decided to build the plane out of wood that was laminated with plastic and covered with fabric. It earned its nickname Spruce Goose from the materials to make the plane, birch and spruce, coupled with its white-gray color. It cost over $23M to make and was not completed until 1946 after the war had ended. The wooden plane had a wing span longer than a football field and had eight, giant propellers. It was designed to carry more than 700 men and their equipment to battle. Congress questioned whether the plane was functional and as a result, Hughes conducted a test flight in Long Beach Harbor, California, on November 2, 1947. He got the plane 70 feet in the air and flew for a mile before landing. Even with the successful test flight, there were questions whether the wooden plane would sustain long distance trips hence it never went into production. However, Hughes never gave up on the Spruce Goose. He kept the plane ready for production in a hanger from 1947 until his death in 1976 at a cost of $1M per year. The Spruce Goose is now part of aviation history and can be seen at the Evergreen Aviation Museum in McMinnville, Oregon.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of October 21, 2020

Mayor Nelson said there is one minor change to the minutes. He said on page 5, we cited Jeff Littlejohn as being with the SJRWMD but he is actually with Onsite. He then asked if anyone had any other questions about any of the minutes and hearing none, he asked for a motion to approve the Regular Council Meeting Minutes of October 21, 2020 as updated.

MOTION by Commissioner Smith and seconded by Commissioner Becker to approve the Regular Council Meeting Minutes of October21, 2020 as updated. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

PRESENTATION

1. Orange County Public Schools - Jason Dwelley school site plan
   Presented by: Edmund Napier from Zyscovich Architects

   Edmund Napier of Zyscovich Architects provided a brief presentation of the site plan for the proposed new K-8 school. He said the school will be built on a Greenfield site just off of Jason Dwelley Parkway and showed an aerial of the existing site conditions. He said there will be one main entrance and exit to the school and the site amenities will include a track, gymnasium, basketball court and room for future portables. He said the tree line at the corner of the site will be preserved and maintained and they will plant additional trees to help minimize the impact to the existing community. He said there is cueing for 243 vehicles for the drop off and pick up so there should not be any issues with traffic backing out onto the street. He provided the renderings of the buildings which consist of a three-story building, a two-story building and a one-story building.

   Commissioner Bankson asked about the one-story gym and inquired if this will be tall enough for basketball, volley ball to which Mr. Napier stated that yes, this will be about 22' from floor to ceiling on the inside.

   Mayor Nelson said we discussed eliminating the retention ponds for additional space and in order to allow for that we were tying into our stormwater and asked if something has changed to which Mr. Napier deferred to his Civil Engineer.

   Jay Klima, with Kilma Weeks Civil Engineers said that yes there was some dialog about potentially going in that direction but what they ended up doing was using some of the areas within the campus that were not necessarily usable and designed the site with dry retention ponds. He said we do still have connection to the off-site system, once we've done what we need to on-site.

2. Police Department Accreditation
   Mayor Nelson advised that this presentation will be moved to the November 18, 2020 meeting.

3. MCBVG Productions presents Jason Isbell in Concert December 5, 2020.

Mayor Nelson advised that the Jason Isbell concert is being rescheduled to a date not yet certain, due to the increase in the Covid cases.

4. Impact of excess rain resulting in flooding.
   Presented by: Jeff Weatherford

   Jeff Weatherford, Public Services Director said he wanted to talk about water fundamentals to provide a basic understanding of aquifers and groundwater. He said an aquifer is an area of water, deep down below the soils and said that here, the Floridan Aquifer, can be 100'-300' feet deep, depending on where you live. He said above that layer is a more confining layer which can be rock, clay or a combination to keep that water separate from everything else. He said above that layer is an unconfined aquifer, which is water that's just below the surface. He said typically, in this layer, the water table, which is where that saturated section of ground water is at is usually between 6' and 15' deep but groundwater tables can fluctuate. He said that in the Winter, our water table is lower but in the Summer, when it's wetter, that water table comes up. He spoke about the high-water table we have here in Florida and said in other parts of the Country, that water table may be 20'-50' feet below the ground for that saturated area. He said here, that water table is 6' – 15' feet and possibly higher. He said that when the water table gets too high, it causes sogginess, puddles and such that may be there for days, weeks or even months and can become elevated when we get more water than we can drain off quickly. He said this is what we've been experiencing, mostly due to the high amounts of rainfall. He showed a 100-year rainfall map with average rainfall per year and explained that we've been averaging 50" per year of rainfall over the last 10 years. He also explained flood plains and showed a graphic of the 100-year flood plain and used an example of Lake Apopka as in the flood plain. He said that in any given day that we have rain in a water shed, that we have a 1% chance of having a flood and doesn't mean that it will only occur every 100 years. He said that in the past two-month period, we've accumulated almost half of our average rainfall which is double what we normally see. He said the saturation levels go up as the time goes on which is what we've been experiencing here. He said Lake Hammer is currently about 4'-5' feet above it's normal water level and we started pumping this lake and sending to our retention facility on Cleveland Street back in June. He said that since then, we've moved more than 5 million gallons of water out of Lake Hammer. He then spoke about the impacts to Border Lake, Lake Cortez and the retention pond for the Hobby Lobby shopping center. He said the challenge is to look at where we can make a difference and where we can't and understand what is happening with the amount of water we've had.

PROCLAMATIONS

1. Week of the Family proclamation presented on behalf of members of the Orange County Week of the Family Committee.
   Presented by: Mayor Nelson

Mayor Nelson read the proclamation and proclaimed that November 7th, 2020 through November 14th, , 2020 as the Week of the Family in the City of Apopka.

2. Mobility Week proclamation presented on behalf of Florida Department of Transportation.
   Presented by: Mayor Nelson

   Mayor Nelson read the proclamation and proclaimed the week of October 30th, 2020 through November 6, 2020 as Mobility Week here in the City of Apopka.

AGENDA REVIEW

Edward Bass, City Administrator, stated that there are no changes to the Agenda.

PUBLIC COMMENT PERIOD

Corey Clarke, 625 Mt. Stirling Avenue - Corey said he wanted speak about the effects of the Hamrick Development, next to Rock Springs Ridge and said they've recently began feeling the effects of the development including a lot of heavy equipment, trees being removed, etc. He said that it was just a little over a year ago when we were here negotiating with the City and the Developer to not allow access to Mt. Stirling and also to leave a buffer that's currently there between Rock Springs Ridge and the current development, He said that now, as the project gets underway, we're just finding out that there is a planned sewer connection to Rock Springs Ridge, which will pretty much take out the remaining tree buffer that lines his back yard as well as his neighbors back yard. He said he's not sure how we got here when we negotiated this agreement and expressed our concerns. He said he appreciates Commissioner Becker and Commissioner Bankson reaching out but said the communication prior to this has been lacking as they were told that they would be notified when the developer would be taking the trees down but that did not happen.

Jim Hitt said that Corey and his neighbors reached out to us and advised that this was happening. He said that he spoke with Geoff Summit, the Engineer for the project, last week and said there was an agreement that nothing else was supposed to be removed until we resolved the sewer line issue and the impact on the neighborhood and of the buffer area. He said he received an email with a video clip of a claw truck pulling out a tree this morning and called Geoff, who got in touch with the developer, who stopped the work. He said until this issue has been resolved, they can't do any more work or remove any other trees in that area. He requested that Geoff look into putting the sewer lines coming off of the sewer at the end of Mt. Stirling and said that he has gone through the Developers Agreement to what can and can't be done.

Commissioner Bankson said he was pretty angry when he heard about this and said that was a contentious issue and we're trying to work with the citizens and it creates the atmosphere that the City is in the back pocket of builders and that's not true. He said that was a very specific item and recalls the discussion about the trees. He asked what kind or mitigation or punitive issues need to be brought forth.

Commissioner Smith asked what the consequences are now since that's already taken place and he said there is also an issue of them starting work before 7:00 a.m. and said that he lives a couple of blocks away and can hear the construction equipment to which Jim Hitt replied that he explicitly told the developer as well as Geoff Summit that by no means can they start their engines before 7:00 a.m. so that it another issue.

Commissioner Becker said with situations like this he asks what was in the developer's agreement, what was in the tree save plan, what was the utility plan and if there are discrepancies that were discussed and verbally represented and didn't manifest itself in the plan, that is a miss.

Jason Searl, Attorney with Gray, Robinson, P.A., 301 E. Pine Street, Orlando said he just received word of this about 2 hours ago and said he will keep this as brief as possible and said that everything is guided by the Developer's Agreement (DA). He said that in 2019, we did two (2) DA's, one was approved in April 2019 and the second one which restated and amended the original one and added further concessions was approved in December 2019. He said both of these agreements have utilities exhibits and are both recorded in the Public Records and fully vetted by everyone and the notion that there was no notice of the utility plan, the agenda items and staff report would have copies of agreement and the exhibits and said it was all very public and was made pursuant to the dialog with the no vehicular access to Mt. Stirling. He said that genesis gave rise to the first DA and additional concessions and more details in the amended and restated DA. He said his understanding is that everything that is being done out there is being done compliant with the DA and the plans. He pointed out that in the amended and restated DA, Exhibit B is the same in both agreements and provides a gravity sewer connection point at the North end of the property. He said it also shows a reclaimed water connection down the property line on the Eastern side. He said the landscape buffer maintenance in the Northern and Eastern boundaries in accordance with the standards in the LDC and said it states that in the case where trees and vegetation within the buffer yards are removed or destroyed, the developer shall replace trees such that they create a semi-opaque barrier as defined in the LDC. He said the developer is doing all of these and we're doing what we said we were going to do. He said that there is an enforcement provision under the DA which requires written notice explaining what we're doing and said the developer is allowed

30 days to cure the default. He said we don't believe we're doing anything wrong and asks the City to provide evidence if so.

Hank Dunn, 665 Mt. Stirling Avenue, Apopka said in his old world, we used to say it's not who votes, who counts the votes, and said it's not who says what they say in public but who writes the DA and said that the DA does not reflect anything we talked about and said there was no expectation of tree removal. He said he's the least affected and said that as it turns out, the trees that were taken are where Corey's house is and several others but we're all in this together. He said he's here to ask for that review and said there's nothing you can do to replace a 50 or a 100-year-old tree that has been taken down. He said what they expected to happen and what is happening is different. He said their concern is that eventually, this may lead to connecting into Mt. Stirling.

Commissioner Becker stated that he made that point clear in a public hearing that on that Development Plan, that tract that envelops the entire development is a landscape buffer and that would have to come back before council for consideration in order for that to legally happen for any sort of connection between Hamrick and Mt. Stirling. He said that's on record.

David Hoffman, 3610 Tayside Court, Apopka, said he prepared a commentary to read and will keep it compact. He stated that the Rock Springs Ridge residents, learned recently that the golf group has submitted an application to the City to change the golf course property's zoning from one home per acre to two homes per acre. He said this plan would allow for residential building on 150 acres according to Contractor, David Evans, who spoke during a Zoom meeting on October 26, 2020. He said that this zoning change would emasculate Rock Springs Ridge as we know it. After participating in a community petition drive over two (2) weeks ago, he said there is unbending opposition to this zoning change. He said that the people he and his wife spoke to are resistant to any further residential building in this beautiful community. He said that not one person uttered a word of support for possible negotiating or compromise and said we all want our home investment and community value sustained.

Rod Olsen, 3156 Rolling Hills Lane, Apopka, said he came as a representative of the Rock Springs Ridge HOA and said that the feedback they've received from homeowners regarding the Zoom meeting on October 26, 2020, was that many could not log on and hence felt they were denied their opportunity to ask questions or to ask for clarification. He said that he respectfully and formally requests that we have another meeting, perhaps at the Amphitheater and said people prefer a live meeting. He said he thinks that way people can spread out and any homeowner will be able to easily get there and feels that this would be in the best interest of all of the homeowners for Rock Springs Ridge.

Mayor Nelson said he would rather set this up as another Zoom meeting as the Covid numbers are trending upward and if this was something that could wait until March or April, that would be fine but if this is something that needs to occur rather soon, a Zoom meeting would be best.

Commissioner Becker said that the only thing he's interested in is the ability for everyone to have a fair say. He said Zoom wasn't necessarily the challenging part but it was the inability to get into it that was the issue. He said offering the Zoom meeting again would be more than fine. He said that the only thing that would make him change his opinion was if the Governor and whatever he's put down, would preclude a meeting like that from happening virtually.

Mayor Nelson said he will reach out to the Governor and find out to which Michael Rodriguez stated that this is a community meeting and therefore, is not a Sunshine meeting and falls outside of the Executive Order.

Commissioner Smith asked if it was urgent to do this now or can we wait until February and perhaps be able to hold it at the Amphitheater to which Mayor Nelson said we don't know when we'll know if we'll be clear in February.

Jim Hitt, Community Development Director said his understanding with the Zoom setup is that you can set it up so that they automatically connect. He said you can have up to 1000 people on a Zoom meeting for the same charge. He said that they submitted an application and were told that they needed to get the community meeting done first and when they attempted this via Zoom, there are some people that were unable to link in to the meeting. He said that they provided a link for those who wanted to email their question in to do so. He said we're looking at a two to three-week time period so as soon as they send out the information for the meeting, the meeting will be held 14 days from that date.

Michael Rodriguez stated that under the LDC, they've already had their community meeting and if this is a community meeting of which the subject is a Comprehensive Plan Amendment, that such a meeting is optional. Therefore, this Council cannot mandate another community meeting and said that it is up to the developer to arrange the meeting and have it perform. He said that because the subject matter is an amendment to the Comprehensive Plan, under our Land Development Code, we defer to Chapter 163 regarding the process for Comp Plan Amendments, which provides that such a meeting is optional. With that said, at that point and under our Code, we don't have the authority to mandate or that the application is insufficient because such a meeting was not held and advised that this is not necessarily a position that the City wants to take against the developer in regards to the Land Development Code. He said we can suggest but cannot mandate.

Rod Olsen said he will reach out to David Evans personally and see how he wants to proceed. He said that the Zoom meeting was recorded and the materials were on the link however, there were still folks that didn't get to ask questions.

David Hoffman directed a statement to Attorney Rodriguez and said that there seems to be a pattern of going to bat for builders and developers to which Attorney Rodriguez stated that no, sir, I am advocating for the Land Development Code and advocating as Counsel to this City in regards to its Codes and the Florida Statutes.

CONSENT (Action Item)

1. Approve the St. Johns River Water Management District Driveway and Turn Lanes Design-Build Contract
2. Authorize the Chief of Police to accept the Department of Transportation grants.
3. Authorize the Police Department to accept the Patrick Leahy Bulletproof Vest Partnership Grant.
4. Approve calendar year 2021 Floating Holiday as December 23, 2021.
5. Authorize the Police Chief to present service weapon to retiring member of the Police Department.
6. Approve the 2020 Resurfacing Program Change Order
7. Authorize the execution of piggyback contracts for fiscal year 2020 & 2021.

Mayor Nelson asked if anyone has any questions or needed to pull any of the items. Hearing none, he asked for a motion to approve the seven (7) items on Consent.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to approve the seven (7) items on Consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

BUSINESS (Action Item)

1. Major Development Plan – Oak Pointe North Apartments
   Owner: Thompson Hills Estates, LLC
   Applicant: Evans Engineering Inc., c/o David Evans, P.E.
   Location: 2901 Ocoee Apopka Road (a.k.a. Tract "A" Oak Pointe North)
   Project: 16 +/- acres; 240 apartment units
   Project Manager: Bobby Howell

   Bobby Howell, Senior Planner said that the applicant is requesting approval of a Major Development Plan for a 240 Unit apartment complex in eight three story buildings that will be developed in one phase. He said the property is 16 acres in size and located on Tract A of the Oak Point North Sub-division. He said the property is accessed by one access point that is located on the Northern portion of the site and one exit only gate that is located on the Southern portion of the site that leads into the site along Track G of the

Oak Point North Sub-division. A total of 423 parking spaces are provided on site while 306 are required to be for apartment use. He said the applicant is preserving approximately 15.9% of the site as open space. The clubhouse and a pool are provided in Building 1, which is located at the front of the site, adjacent to the roadway. The architectural elevations are consistent with the elevation guidelines in our Land Development Code and the Development Review Committee; Planning Commission and staff all recommend approval.

Commissioner Bankson said after listening to the water presentation, he noticed that this site is right next to the RIB and asked if this creates any potential issues to which Bobby stated that this has been vetted through the DRC, Public Works, and the City Engineer before it went to Planning Commission and there are no issues that we're aware of.

Commissioner Becker asked if this is autonomous from the other phase that's being developed to which Bobby confirmed that it is off on its own. He said the transportation element talks about the right-in, left-in from Ocoee Apopka and said this is not in the plans but asked how we memorialize this to make sure as this is a condition of approval. He asked where this was noted to which Bobby stated that it would be a condition noted on this is a condition of approval of the Major Development Plan.

David Evans, Evans Engineering, 719 Irma Avenue, Orlando, on behalf of the applicant for the Oak Point North Apartments. He stated that they've read through staff's comments and reviewed and concur. He pointed out that the infrastructure for this particular tract which we call Oak Point North was previously approved and said we've had a pre-construction conference with the City of Apopka. He said this approval included the turn lanes on Ocoee Apopka, both right and left and said that this is the only access for this piece of property.

Mayor Nelson asked if anyone from the Public would like to speak on this item. Hearing none, he asked for a motion to approve the Major Development Plan for Oak Pointe North Apartments.

MOTION by Commissioner Becker to approve subject to the following condition: "right and left turn lanes will be required at the entrance of Ocoee Apopka Road, per the City's Land Development Code". This motion was seconded by Commissioner Smith and the Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

2. Major Development Plan – List Industries
   Owner/Applicant: List Apopka II, LLC, c/o Herbert A. List, Jr.
   Engineer: Gadd & Associates, LLC, c/o Rodney A. Gadd, P.E.
   Location:2983 West Orange Avenue
   Project: 6.77 +/- acres; Warehouse
   Project Manager: Jean Sanchez

Jean Sanchez, Planner II, said this is a request to approve the List Industries Major Development Plan. She said the subject property is located at the SE corner of 441 and Orange Avenue. She said this shows that the property is surrounded by light industrial uses. She said that the List Industries Major Development Plan proposes a development of 82,735 square feet of warehouse to replace existing buildings on site. She provided an overview of the landscape plan and the architectural renderings are consistent with the requirements of the development design guidelines. She said the Development Review Committee and the Planning Commission both recommend approval. She said both she and the applicant are present for any questions.

Mayor Nelson asked if anyone from the Public would like to speak on this item. Hearing none, he asked for a motion to approve the Major Development Plan for List Industries.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve the Major Development Plan for List Industries. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

3. Major Development Plan – Western Beltway Park
Owner: Daryl M. Carter Trustee
Applicant: Florida Engineering Group, c/o, Sam Sebaali, P.E.
Location: 2550 Ocoee Apopka Road
Project: 18.08 +/- acres; 2 warehouse buildings totaling 189,000 square feet
Project Manager: Bobby Howell

Bobby Howell, Planning Manager said the applicant is requesting approval of a Major Development Plan for two warehouse buildings totaling 189,000 square feet in area that will be developed in one phase. He said the property is located at 2550 Ocoee Apopka Road and is 18.08 acres in size. He said the site will be accessed by Ocoee Apopka Road by two full access points, which are located adjacent to the northern property line and approximately in the center of the site. Right and left turn lanes will be constructed leading into the site at both access points in accordance with the Land Development Code requirements. A total of 255 parking spaces are provided on site and said that in addition, the applicant has reserved an area ranging in width between 14 and 30 feet along the portion of the property abutting Ocoee Apopka Road for future ROW needs. At such time that Orange County deems it necessary to require ROW for the future widening of Ocoee Apopka Road. 8.4% of the site is reserved as open space while the LDC requires a minimum of 5% for properties that are zoned light industrial. The applicant is providing a 15’ buffer along Apopka Ocoee Road and along the northern portion of the site. The architectural elevations are consistent with the LDC as well we the development design guidelines. The DRC and Planning Commission both recommend approval.

Sam Sabaali of the Florida Engineering Group, 5127 South Orange Avenue, Orlando, said that he was here on behalf of the applicant and said he concurred with the staff recommendations and can address any questions.

Mayor Nelson asked if anyone from the Public would like to speak on this item. Hearing none, he asked for a motion to approve the Major Development Plan for the Western Beltway Park.

MOTION by Commissioner Smith, and seconded by Commissioner Becker, to approve the Major Development Plan for the Western Beltway Park. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

4. Approve additional funding for the emergency project for Martin Place Phase II Stormwater Pond rehabilitation.
   Presented by: Jeff Weatherford.

   Jeff Weatherford, Public Services Director said that as you all are aware, we came to you back in May asking for $150,000 appropriation to do some improvements at Martins Place – Phase II subdivision. He said the subdivision was built in the 1980's and had a stormwater retention pond that was to be maintained by the HOA. He said that unfortunately, the HOA disbanded back in the 1990's and the pond went to disrepair. He said that earlier this year, we had an overflow collapse there that impacted Vick Road and the City was forced to take action on an emergency repair. He said that on May 6, 2020, you approved $150,000 and as the contractor began work with our engineering team, we found some additional issues that needed to be addressed. He said today, we're asking for an additional appropriation of $31,470. He said that as you may recall, that upon completion of the work, once we determined the final cost, the City will pursue a special assessment district, where the property owners will pay for the improvements over a period of time.

   Mayor Nelson asked if anyone from the Public would like to speak on this item. Hearing none, he asked for a motion to approve the additional funding for the emergency project for Martin Place Phase II Stormwater Pond rehabilitation.

   MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to approve the additional funding for the emergency project for Martin Place Phase II Stormwater Pond rehabilitation. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2795 – Second Reading – Five-Year Capital Improvements Plan
   Project: To Add Recreation Improvement, And Incorporating Into The City of Apopka, Comprehensive Plan, Capital Improvements Element.

Project Manager: Brian Forman

Mayor Nelson asked if there have been any changes since the first reading to which Brian Forman said there are none. He then asked if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2795.

MOTION by Commissioner Becker and seconded by Commissioner Bankson to adopt Ordinance No. 2795. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

2. Ordinance No. 2796 – First Reading – Comprehensive Plan – Small Scale Future Land Use Amendment
   From: "County" Low Density Residential (0-4 DU/AC)
   To: "City" Low Density Residential (0-5 DU/AC)
   Owner/Applicant: Beckwood Real Estate Development LLC
   Location: North of W. 12th Street and East of S. Hawthorne Avenue
   Project: 0.41 +/- acres
   Project Manager: Phil Martinez

   Phil Martinez, Planner II, said that the applicant is proposing a Small-Scale Future Land Use Amendment from County, Low Density Residential to City, Low Density Residential for approximately 0.41 acres. He said the property is located at the NE intersection of S. Hawthorne Avenue and W. 12th Street. To the North, East and West are single family homes and to the South is a place of worship. The property is currently zoned transitional district and an application for RSF 1-B zoning has been submitted and will be presented as the next agenda item. The DRC and Planning Commission recommend approval of the proposed Small-Scale Future Land Use Amendment.

   Mayor Nelson asked if there are any questions and asked if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to approve Ordinance No. 2796 at first reading and hold over for second reading and adoption.

   MOTION by Commissioner Smith and seconded by Commissioner Becker to approve Ordinance No. 2796 at first reading and hold over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

3. Ordinance No. 2797 – First Reading – Change of Zoning
   From: T (Transitional District)
   To: RSF-1B (Single-Family Residential District – Large Lot)
   Owner/Applicant: Beckwood Real Estate Development LLC
   Location: North of W. 12th Street and East of S. Hawthorne Avenue
   Project: 0.41 +/- acres
   Project Manager: Phil Martinez

Phil Martinez, said that the applicant is proposing to rezone a property from Transitional District to RSF-1B for the same subject property as the previous agenda item. He said the prosed RSF-1B is found within the vicinity and is compatible with the previously proposed residential low future land use, which is also found in the vicinity. He said the DRC and Planning Commission recommend approval of the proposed rezoning.

Mayor Nelson asked if there are any questions and asked if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to approve Ordinance No. 2797 at first reading and hold over for second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve Ordinance No. 2797 at first reading and hold over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

4. Ordinance No. 2804 – First Reading - Annexation
Owner: Orange County Board of County Commissioners
Applicant: City of Apopka Community Development
Location: South of US 441 and North of Mayflower Avenue
Project: Platted, Unimproved Right-of-Way
Project Manager: Phil Martinez

Phil Martinez said that this is a proposed annexation for the Shepard Avenue ROW consisting of an approximate 0.99 acres. He said that the subject area is currently an open unimproved ROW. He said the subject area is adjacent to the City limits and within the Joint-Planning Agreement area, established between Orange County and the City of Apopka. He said the DRC recommend approval for this portion of Shepard Avenue.

Mayor Nelson asked if there are any questions and asked if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to approve Ordinance No. 2804 at first reading and hold over for second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Becker to approve Ordinance No. 2804 at first reading and hold over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

5. Ordinance No. 2805 - First Reading - Land Development Code – Glitch Amendments
Project: City of Apopka
Project Manager: James Hitt

Jim Hitt, Community Development Director said that this is the third set of Glitch Amendments that will update, clarify and amend the content of the Land Development Code. He said this affects 5 out of the 10 Articles, along with Appendix A, which is the

Mixed-Use Kelly Park Interchange, Form Based Code area. This is the first reading and the second reading is scheduled for November 18, 2020. He provided a brief summary and explained the various sections that were affected in detail. He said it was interesting to note that when Covid first came on, it gave us a chance to look at how some of the developments are being developed. For example, he said, the original requirement was that restaurants with drive-up or drive-through facilities would not be allowed in the Village Center, which is the main area around the Kelly Park Interchange, Plymouth Sorrento and the 429. He said this Amendment allows this as a special exception in the Village Center. He said we also amended the sign portion increasing the height for a monument sign to 8'. He said the Development Review Committee and the Planning Commission reviewed and recommend approval.

Mayor Nelson asked if there are any questions and asked if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to approve Ordinance No. 2805 at first reading and hold over for second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve Ordinance No. 2805 at first reading and hold over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

6. Resolution 2020-34 - FY20/21 Budget Amendment
   Presented by: Jamie Roberson

   Jamie Roberson, Finance Director said this item is for a Budget Amendment for another grant for the Police Department for the Department of Transportation Grants. This item was on the Consent Agenda earlier this afternoon and includes appropriations of $62,000 for extra details for extra overtime pay and $4,000 for equipment purchases for speed measuring devices.

   Commissioner Smith asked if these grants require matching funding to which Ms. Roberson replied no.

   MOTION by Commissioner Becker and seconded by Commissioner Bankson to approve Resolution No. 2020-34. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

CITY COUNCIL REPORTS

Commissioner Smith inquired said that there are several complaints about semi-trucks parking in un-authorized places, especially along the ROW's and asked if it would be possible to find a location where drivers can park safely. He said this is their livelihood and said that he understands that they need to park somewhere and wondered if perhaps there are any businesses where they can park legally.

Jim Hitt said that if the City authorized it, it would need to be on City property or parking lot. The truckers tend to park as close as they can to where they live. He said that if we did find a lot, it would likely be in an industrial area as they can't park in a residential area.

Mayor Nelson said he understands what Commissioner Smith is asking and said the issue is that these truckers come home for the weekend but they can't park in front of their house or down the street.

Michael Rodriguez said there would have to be some type of private transaction between the truck owner and the business owner or location that has parking. He said that as long as that truck is allowed to be there, pursuant to the Land Development Code, then it's just a private transaction.

Edward Bass said there is a truck stop in Zellwood, heading North on 441 to the right that has a lot of open space. He said perhaps we can put them in touch with them.

Commissioner Smith asked about the Industrial Park that is near the hospital to which Jim Hitt said that this is a parcel that is slated to be annexed into the City in the near future but the issue is that it's not paved and wouldn't be a viable parking location.

Commissioner Becker said he wanted to circle back on the pre-application community meeting and said as Michael said and as referenced in our Land Development Code, Section 2.4.2, drives our pre-application community meeting and said whereas he agrees that under (b)(1), a comp plan or a land use change is not a required pre-application meeting, bullet (d) does give the latitude for the Director to require it. He said he can't instruct the Director to do this but said it would be best for all parties to do so.

Michael Rodriguez said that that is what he was trying to get at so as to avoid the appearance that the Council was directing the applicant to have a meeting with the community. He said there is no problem if it comes as a suggestion or a recommendation but if the applicant decides not to have the meeting, there is no authority under the LDC for Council to require the applicant to do so, however the director has the power to require it.

Jim Hitt has already spoken to Michael in regards to this and will get in touch with the applicant to set up another meeting and ask them to make this meeting so that everyone can click into the meeting without having to be asked to come in.

Commissioner Bankson said his son is getting married this weekend.

CITY ADMINISTRATOR REPORT -

Edward provided an update on 2 vehicles that we donated to the City of Springfield. The agreement required them to let us know when they were done with them so we had the option of taking them back. He spoke with Chief McKinley and they decided we don't want them back so the City of Springfield will dispose of the vehicles.

Edward provided an update on the agreement we entered into over the Summer with a claim's management company called Alternative Claims Management Company. He said the agreement was for them to go after loss of use or property damage claims that were still available from the insurance companies and is happy to report that we're at $17,000 with that.

Lastly, Edward provided a brief financial update and said that as we start a new year, it's important that we monitor this each month and said as you can see, this is our sales tax October number and said that right out of the shoot, we're down 28% from the prior year, for that month. He said keeping in mind that October was a good month last year so we'll continue to monitor these revenues. He also said our budget was budgeted at a little over $10 million in sales tax for the new FY21 and said that to date, we're $196,000 short of that estimate. He said there is some Cares Act funding that's still available from Orange County and said it can help with rental assistance, utility bills and there is $1,000 per family.

CITY ATTORNEY'S REPORT –

Michael provided a brief update on the purported organization of the Firefighters and said this is kind of mirroring and following the current process with the Police Department. He said we received word from our Labor Counsel, who was contacted by the Counsel for the IAFF (International Association of Fire Fighters), requesting whether the City would like to consider doing a voluntary recognition, which means that the City would recognize them as the bargaining unit and they would be certified as a union without there being a vote of the membership. He said he consulted with Chief Wylam as well as our Labor Counsel, who stated that it's rare for Cities to do these voluntary recognitions as the concern is that it disenfranchises employees and does not allow for them to vote yay or nay on this issue. He said he did reach out to Counsel for the IAFF and told them that the City will not voluntarily recognize this. He said we will proceed forward and undertake the same procedures we're doing with the Police Department and will work together with the Florida PERC (Public Employees Relations Commission) to do so. He said we have not currently been served with any paperwork from PERC.

MAYOR'S REPORT

Mayor Nelson provided a brief update on the Covid numbers and said they're starting to climb again and said we need to be very careful.

Mayor Nelson asked what everyone was leaning toward with regard to this year's legislative priorities and said it's going to be a lean year and asked for suggestions on what items everyone would like to focus on so we can start to put together a plan.

Commissioner Becker said his only reservation on the Quest Camp Thunderbird one is whether they'll be set up to accommodate this. He said since this is a lean year, with asking for all three, the Harmon Road, Fire Station #6 and the playground, do we submit how much we're putting in to which Mayor Nelson said yes, this is all part of this and we do a 50% match for this.

Mayor Nelson said there may be some additional pots of money and if so, he would like to look at the Border Lake fix and said that it's a big number but we have a lot of partners and if we all go to Tallahassee together we have a better shot to which Commissioner Becker said that is a top priority.

Commissioner Smith said he recommends Lake Cortez, Harmon Road and Fire Station #6 as they got pretty far last time as well as the Border Lake fix.

Mayor Nelson introduced our new Deputy City Clerk, Victoria Parks and read her bio and welcomed her to the City of Apopka.

Mayor Nelson presented an excellence award to Sergeant Daniel Garcia for his commission as an Ensign in the US Coast Guard.

ADJOURNMENT - There being no further business the meeting adjourned at 4:20 p.m.

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Bryan Nelson, Mayor

ATTEST: ______________________________

Susan M. Bone, City Clerk