

CITY OF APOPKA

Minutes of the regular City Council meeting held on October 3, 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 Pastor David Schorejs of First Baptist Church of Apopka, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson introduced Nathanie Doralus, Junior, Wekiva High School who led in the Pledge of Allegiance. She said forty-two years ago, on October 4, 1976, Barbra Walters became the first female co-anchor of an American news program, working on the ABC Evening News. This event also led to her becoming the highest paid journalist of her time, male or female, earning an unprecedented \$1 million per year. Her work on both the ABC and NBC news networks often drew more light on women's stories and she would later become the creator, producer and co-host of the ABC daytime talk show The View, which is recognized for having a diverse all-female panel. Walters interviewed some of history's most influential icons and leaders, from Audrey Hepburn and Muhamad Ali to former Cuban President Fidel Castro and current Syrian President Bashar al-Assad.

APPROVAL OF MINUTES:

1. City Council regular and budget hearing meeting September 19, 2018.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the minutes of September 19, 2018 as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Nolan voting aye.

AGENDA REVIEW – There were no changes.

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT EMPLOYEE RECOGNITION:

- Five-Year Service Award – Marianne R. Zerillo – Public Services/Utility Administration. Marianne was not present and will be presented her award at another time.
- Ten-Year Service Award – Clifford R. MacDonald II – Police/Field Services. The Commissioners joined Mayor Nelson in congratulating Clifford on his years of service.

- Fifteen-Year Service Award – Clifford A. White – Public Services/Grounds . Clifford was not present and will be presented his award at another time.
- Fifteen-Year Service Award – Barry Hornett – Fire/EMS. Barry was not present and will be presented his award at another time.
- Fifteen-Year Service Award – Mark J. Fry – Fire/EMS. The Commissioners joined Mayor Nelson in congratulating Mark on his years of service.

PRESENTATIONS:

1. Presentation of funding by the Florida Department of Environmental Protection (FDEP) for the Apopka Athletic Complex Florida Recreation Development Assistance Program (FRDAP) grant

Robert Charles Brooks from Florida Department of Environmental Protection presented the City with a FRDAP grant for the Apopka Athletic Complex. He said only 35 grants were awarded this year.

2. Boy Scout Troop 211: WWII Monument Marker at Kit Land Nelson Park.

Project: Monument to include a brick outlay with a bronze plaque.

Lorena Potter, Acting Recreation Director, provided information for the WWII Monument Marker at Kit Land Nelson Park. Boy Scout Troop 211 is relocating a monument that had been placed in the park during WWII and it will be placed on top of a brick column in the area where the flagpoles are located.

Public Comment:

Jim Bilderback expressed concern regarding people speeding on Lake Doe Boulevard. He inquired about having speed bumps installed to slow down speeding vehicles. Mayor Nelson explained speed bumps were not permitted at this time per the Land Development Code. He suggested Mr. Bilderback meet with Chief McKinley or Deputy Chief Fernandez regarding this matter.

Goody Davis spoke of land behind White Ivy Court that is between the Parkside Development and Court Yards II. This land has been allowed to overgrow and they have only mowed periodically down the middle of the property. She asked that the owner be held responsible for cleaning this property up to their property lines.

CONSENT

1. Approve an amendment to the Agreement with Lake County for shared public service radio communication facilities.
2. School Concurrency Mitigation Agreement with Vista Reserve.
3. School Concurrency Mitigation Agreement with Meadow View Apartments.
4. Sewer and Water Capacity Agreement Lakeside Phase 2.

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

BUSINESS

1. **Award a contract for the construction of the Alonzo Williams Park Community Center and off-street parking.**

Edward Bass, City Administrator, said staff was asking Council to approve awarding two contracts, contingent upon the Florida Department of Economic Opportunities approval. He gave history of this project stating there were three bids on the Alonzo Williams Park for the construction of the building that ranged from \$1.1 to \$1.3 million. These were rejected in February due to funding. Staff came back to Council to request approval for an updated engineering estimate that was done and the estimate came in at \$1.3 million. The project was put back out for the bid process and there were seven proposals received. The request is to award to the lowest bidder contingent on DEO approval. The projects are for the community building and off-street parking. The recommendation is to award the off-street parking to R.L. Burns, Inc. at \$27,561.83 and award the construction of the community building to MIE, Inc. at \$1,086,563.84. The recommendation is to approve both awards, dependent upon DEO approval, and also if DEO does not approve one of these bids, authorize moving to the second lowest bidder so not to delay the process. He advised we are working with a consultant on this and the goal is to start construction sometime in November.

Commissioner Bankson said there was no funding set aside for furnishings and asked if staff will make sure the building is furnished correctly.

Mr. Bass said they went to the CRA for approval of funding up to the \$1.3 million. He affirmed the \$135,000 will still be in this project and as moving through the project, we will have to come back for funding of furnishing. He stated there is a 10% contingency built in as well. This will be brought back to Council for approval to award any additional funding.

Mayor Nelson advised there was a possibility of obtaining another grant through AT&T for \$15,000 for a computer lab in the back of the building for students after school.

MOTION by Commissioner Smith, and seconded by Commissioner Bankson to approve a contract with MIE, Inc., if approved by DEO, for the construction of the Alonzo Williams Community Center. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to approve a contract with R.L. Burns, if approved by DEO, for off-street parking at Alonzo Williams Park. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan.

MOTION by Commissioner Smith, and seconded by Commissioner Nolan to approve moving to the next lowest bidder should DEO not approve one of the proposals. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan.

2. Final Development Plan/Plat - Lakeside, Phase 2

Project: Avatar Properties, Inc.

Location: South of Marshall Lake and West of SR 451

Bobby Howell, Senior Planner provided a brief lead-in for the Final Development Plan/Plat for Lakeside, Phase 2. He reviewed the location on an aerial map stating the subject property is located south of Marshall Lake and west of S.R. 451 and pointed out the surrounding land uses. On April 4, 2018, Council approved a PUD Master Plan, Preliminary Development Plan

for the Lake Marshall subdivision that details the development of 301 single-family lots in two phases. The subdivision has been renamed Lakeside and the applicant is now requesting approval of the final development plan and plat for Lakeside, Phase 2. All roadways are privately owned and the subdivision will be gated. Ingress and egress is via Johns Road. DRC and Planning Commission recommended approval.

Mayor Nelson opened the meeting to public comment.

Katie Starkey said she owns a business on 800 Johns Road and she asked if they would have the same issue during the second phase with the dump trucks as they had during the first phase. She said that she and other business owners on Johns Road share a safety concern. They have reached out to the developer and construction manager concerning this matter. They also reached out to the trucking company and the Police Department. She declared very few people were showing any concern of road blockage of through traffic and trucks traveling at a high rate of speed.

Mayor Nelson advised the police have been patrolling the area and ticketing.

Chief McKinley said there is only one way in and out. He said he and Deputy Chief Fernandez have been out there when the trucks lined the road. A number of citations have been issued. He stated the developer has stated that it will be a month prior to any dirt being moved. He stated they will address issues in Phase 2 as they arise.

Luke Classon, Appian Engineering, said during Phase 1 they had almost 150,000 cubic yards of dirt to move. As of this afternoon, they have finished with that activity. Phase 2 has roughly 30,000 cubic yards of dirt to move. He stated they will work with the contractors on this matter advising they were recently made aware of the complaints. He said it will be 1-2 months before they start moving dirt off of Phase 2.

Ms. Starkey asked that the contractor have a person in charge on site.

In response to Commissioner Smith, Mr. Classon affirmed they would be reconstructing the road from S.R. 451 to the end will be redeveloped and brought into city standards.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson to approve the Final Development Plan and Plat for Lakeside, Phase 2. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan.

3. Final Development Plan/Plat – Vista Reserve

Project: Pulte Home Company, LLC

Location: East side of Rogers Road, approx. ½ mile north of the intersection of Rogers Road & Lester Road.

Mr. Howell provided a brief lead-in and reviewed the location on a map stating it consists of 153 single-family residential lots in one phase. The PUD was approved by Council on August 1, 2018. He reviewed the surrounding land uses. Ingress and egress will be from Rogers Road. DRC and the Planning Commission recommend approval.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson to approve the Final Development Plan and Plat for Vista Reserve. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2679 – First Reading – Comprehensive Plan Amendment
Project: City of Apopka - Capital Improvements Element – Recreation Improvements. The City Clerk read the title as follows:

ORDINANCE NO. 2679

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA INCORPORATING AN AMENDMENT TO THE CITY'S FIVE YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon 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. 2679. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Ordinance No. 2678 – First Reading – Change of Zoning/PUD Master Plan/Preliminary Development Plan. Project: Mid-Florida Freezer Warehouses LTD; Florida Express Trucking, Inc.; Eagles Landing at Ocoee, LLC.
Location: West side of SR 429, south of General Electric Road, and east of Hermit Smith Road. The City Clerk read the title as follows:

ORDINANCE NO. 2678

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP), "CITY" RESIDENTIAL SINGLE-FAMILY DISTRICT (R-1AA), "CITY" MIXED-EC (MIXED-USE), "CITY" AG (AGRICULTURE), AND "CITY" I-1 (RESTRICTED INDUSTRIAL DISTRICT) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SR 429, SOUTH OF GENERAL ELECTRIC ROAD,

AND EAST OF HERMIT SMITH ROAD, COMPRISING 186.03 ACRES MORE OR LESS, AND OWNED BY MID FLORIDA FREEZER WAREHOUSES LTD; AND EAGLES LANDING AT OCOEE, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Howell provided an overview of the proposed change of zoning to Planned Unit Development (PUD). The property is located west of S.R. 429 and south of General Electric Road, and east of Hermit Smith Road. The subject property is approximately 188.893 acres, and the PUD is requested by the prospective developer who proposes a subdivision consisting of five industrial warehouse buildings totally 2,406,095 square feet. Ingress/egress will be off of Hermit Smith Road and General Electric Road. Stormwater retention will be maintained onsite. The applicant is requesting five deviations to the City's required development standards as documented in the staff report. DRC and Planning Commission recommend approval based on the findings and facts presented in the staff report and exhibits.

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

Mayor Nelson stated discussions held with staff regarding as moving forward with this project, at some point buffer the industrial property with retention areas so to buffer the North Shore area and birding park and plant trees that are receptive to birding.

Commissioner Becker inquired if the turn on Petersen Road would be supportive of semi traffic and wide enough so not to create problems from the other direction. Mr. Howell responded in the affirmative.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve Ordinance No. 2678 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Ordinance No. 2681 – First Reading – 2018 Annexation Cycle 5
Project: Construesse USA, Inc. Location: 2600 Rock Springs Road. The City Clerk read the title as follows:

ORDINANCE NO. 2681

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CONSTRUESSE USA, INC. AND LOCATED AT 2600 ROCK SPRINGS ROAD, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Jean Sanchez, Planner, said this was a request to accept at First Reading to annex 2600 Rock Springs Road. The subject property is located west of Rock Springs Road and north of Rock Springs Elementary School. The property is approximately 9.5 acres in size directly abutting city jurisdiction on northern, southern, and western boundaries. The recommendation is to approve at First Reading and hold over for a Second Reading.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to approve Ordinance No. 2681 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Resolution 2018-20 - TEFRA Hearing on Revenue Bonds to Waste Management, Inc.
The City Clerk read the title as follows:

RESOLUTION NO. 2018-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, APPROVING, PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, THE ISSUANCE OF NOT TO EXCEED \$70,000,000 MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY SOLID WASTE DISPOSAL REVENUE BONDS (WASTE MANAGEMENT, INC. PROJECT), AND THE ISSUANCE OF NOT TO EXCEED \$23,000,000 SOLID WASTE DISPOSAL REFUNDING REVENUE BONDS (WASTE MANAGEMENT, INC. PROJECT), EACH ISSUED IN ONE OR MORE SERIES FOR PROJECTS IN VARIOUS LOCATIONS, INCLUDING THE CITY OF APOPKA, FLORIDA; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Mr. Bass advised Waste Management, Inc. has requested Miami Dade County Industrial Development Authority to issue solid waste disposable revenue bonds in an aggregate principal amount not to exceed \$70 million and refunding revenue bonds not to exceed \$23 million. The bonds to Waste Management, Inc. will finance or refinance solid waste disposable capital expenditures at various locations. One of the locations is located in the City of Apopka, therefore, in accordance with IRS Code of 1986, the city, as the political jurisdiction is required to hold a public hearing with respect to the issuance of these bonds and provide a reasonable opportunity for individuals to express their views. He pointed out the City will have absolutely no liability to pay any of the principal or interest on these bonds. The issuance of the bonds is fully on the books of Waste Management, Inc. The recommendation is to approve Resolution No 2018-20 and the interlocal agreement.

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 Resolution No. 2018-20. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

MOTION by Commissioner Nolan and seconded by Commissioner Smith to approve the Interlocal Agreement with Miami-Dade County Industrial Development Authority. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

5. Resolution 2018-21 - Statewide Mutual Aid Agreement. The City Clerk read the title as follows:

RESOLUTION NO. 2018-21

A RESOLUTION OF THE CITY OF APOPKA, FLORIDA, APPROVING ENTERING INTO A STATEWIDE MUTUAL AID AGREEMENT FOR CATASTROPHIC DISASTER RESPONSE AND RECOVERY.

Assistant Chief Wylam said when Hurricane Andrew hit there was no standardized way for states to share resources. The Emergency Management Act was put into place and Chapter 252 provides each local government of the state authority to develop and enter into mutual aid agreements for reciprocal emergency aid and assistance in case of emergencies too extensive to be dealt with unassisted. The agreement will ensure timely reimbursement of costs incurred by the local governments that render such assistance. This is the first time in eleven years this has been updated. The recommendation is to approve Resolution No. 2018-21.

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 Resolution No. 2018-21. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

6. Resolution 2018-22 - Railroad Reimbursement Agreement. The City Clerk read the title as follows:

RESOLUTION NO. 2018-22

A RESOLUTION OF CITY OF APOPKA, FLORIDA, AUTHORIZING THE MAYOR TO SIGN A RAILROAD REIMBURSEMENT AGREEMENT FOR THE CONSTRUCTION OF RAILROAD GRADE CROSSINGS, INSTALLATION OF TRAFFIC CONTROL DEVICES RAILROAD GRADE CROSSINGS, AND FUTURE MAINTENANCE AND ADJUSTMENT OF SAID CROSSINGS AND DEVICES; PROVIDING FOR THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Jay Davoll, Public Services Director, advised Resolution No. 2018-22 authorizes the Mayor to sign an agreement with FDOT and the Florida Central Railroad Company, Inc. for the East 8th Street grade crossing and traffic control devices construction and maintenance.

Mayor Nelson suggested the railroad crossings are upgraded to passenger ready crossings.

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 Nolan to adopt Resolution No. 218-22. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

CITY COUNCIL REPORTS

Commissioner Nolan advised she would not be able to attend the City Council meeting scheduled for November 21, 2018.

Commissioner Smith expressed a concern regarding Michael Gladden Boulevard from Hawthorne to the hospital with increasing traffic and safety issues.

Jim Hitt, Community Development Director, advised that everything from Hawthorne west of Ocoee Apopka Road is county road.

Mayor Nelson said he would send a letter to Orange County and copy the hospital regarding this matter.

Commissioner Becker said Council continues to have these discussions regarding county roads and safety, stating there was another accident by Publix at Rock Springs Road and it being county road.

MAYOR'S REPORT – Mayor Nelson said the Park and Fifth Street property appraisal is not back and will be brought forward at the next Council meeting.

Mr. Bass said the agenda is prepared the Friday before Council meetings. He asked if Council had something to be discussed or placed on the agenda to provide this before Friday so staff can be prepared.

ADJOURNMENT: There being no further business the meeting adjourned at 2:40 p.m.

_____/s/_____
Bryan Nelson, Mayor

ATTEST;

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