CITY OF APOPKA

Minutes of the City Council regular meeting held on October 2, 2019, 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 Joseph Byrd
City Administrator Edward Bass

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION – Father Cyril Offiong from St. Francis of Assisi Catholic Church gave the invocation.

PLEDGE – Mayor Nelson introduced Shanelle White, Senior at Wekiva High School who led in the Pledge of Allegiance. She said on October 2, 1967, Thurgood Marshall was sworn in as the first African American Supreme Court Justice. Before Mr. Marshall was sworn in as a Supreme Court Justice, he argued many cases before the Supreme Court. Mr. Marshall successfully challenged racial segregation and was most notably known for winning the Brown vs Board of Education case in which the Supreme Court ruled that segregation violated our equal rights which was illegal. His case had a huge impact on the Civil Rights Movement. President Johnson nominated Thurgood Marshall to fill the seat on June 13, 1967. President Johnson said this is "the right thing to do, the right time to do it, the right man, and the right place", after a heated debate Thurgood Marshall was confirmed with a vote of 69 to 11 and was officially sworn in today on October 2nd.

APPROVAL OF MINUTES

1. City Council regular meeting September 11, 2019.
2. City Council budget hearing minutes September 11, 2019

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the minutes of September 11, 2019 regular meeting and budget hearing. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye. .

AGENDA REVIEW –. City Administrator Bass advised the first ordinance under Public Hearing was being moved to Item 5 under Business. He advised Ordinance No. 2743 was being withdraw and will be brought back at a future date.

PUBLIC COMMENT

Lorena Potter said she wanted to take time today to thank the City Commissioners, Mayor, City Administrator and all the employees in the city. She just recently retired on Friday and this is her first Council meeting in 19 years as a citizen. She wanted to exercise her right to speak and thank everyone stating it has been a wonderful 19 years and she plans on staying active in the community. She stated she had a bet with her son that she would wear a hat she received at a retirement party at the Council meeting.

Herman LeVern Jones said he was here a couple of weeks ago to present TheatreSouth. He received a call from Pastor Zach of this community and they are moving ahead to January 10, 2020. He brought a packet of information that he distributed to the Council that shows the rights he has for the show “I Have a Dream”, and it has their budget and contract included. He will be obtaining insurance for the project. He stated they are moving forward and he introduced his son, Yonnick, who is president of the organization.

Mayor Nelson advised he had reached out to the Tourist Development Council after Mr. Jones attended the last meeting. The TDC has money for this type of program, and unfortunately, the budget has been closed for this year. He advised request have to be submitted by July and they review all the proposals and fund accordingly. They did let him know there was still money available through United Arts. Mayor Nelson said he would reach out to United Arts to see if they had any available funds to help fund and support the program.

PROCLAMATIONS:

1. Nicole Kennedy, Public Services, said with her was Jo Santiago and Poorna Bhattacharya. There is a Mobility Week team at the Florida Department of Transportation and Mobility Week is an annual collection of outreach events intended to bring attention to safe, multimodal transportation choices.

   Mayor Nelson read a Proclamation regarding Mobility Week 2019 presented to the Mobility Week Team.

CONSENT (Action Item)

1. Approve the appointment of Howard J Washington Jr.to the Planning Commission.
2. Approve the addendum with Kronos SaaShr, Inc. for time keeping and payroll services, to include the upgrade to “Kronos Workforce Ready” program and the costs identified with implementation and support for the software.
3. Approve the School Concurrency Mitigation Agreement for The Legacy Hills Subdivision located at 2400 Schopke Road.
4. Authorize the issuance of blanket purchase orders.

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

BUSINESS (Action Item)

1. Approve road closure on South Highland Avenue to facilitate installation of groundwater contamination remediation wells for Circle K Convenience Store located at 277 E Main Street.

   Richard Earp, City Engineer said Jim Russell with the Orange County Environmental Protection Division was present to answer questions. Mr. Russell said he was one of the engineers associated with the Petroleum Restoration Program under contract to the FDEP to oversee the assessment and remediation of petroleum-contaminated sites in Orange, Osceola, Lake, and Seminole Counties. They are installing a remedial system at the Circle K to address petroleum impacts to the ground water and they are requesting access to the roadway in order to put treatment points on both sides of the roadway.

Mayor Nelson asked that they coordinate so that this is not the same time S.R. 436 is being closed.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the road closure on South Highland Avenue. Motion carried unanimously with Mayor Nelson and Commissioner Bankson, Becker, Smith, and Nolan voting aye.

2. Final Development Plan – Avian Pointe Parcel "A"
   Project: Apopka Clear Lake Investments, LLC
   Location: South of Peterson Road, east of SR 429 and north of Clearwater Lake

   Bobby Howell, Senior Planner said this is construction of 56 single-family units on 29.896 acres within the Avian Pointe PD. He reviewed the location of the parcel within the PD on a map and reviewed an aerial photograph to show the surrounding area which is primarily residential in nature. Minimum living area of 1700 square feet is provided and there are two ingress/egress access points for the development located on Avian Parkway. The internal roadway network is comprised of 45 foot and 50 foot private rights-of-way. On May 1, 2019 Council approved the Preliminary Development Plan and all elements of the Final Development Plan are consistent with the approved PDP and Master Plan. DRC and Planning Commission recommend approval.

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

   MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to approve the Avian Pointe Parcel "A" Final Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Final Development Plan – Avian Pointe Parcel "B1"
   Project: Apopka Clear Lake Investments, LLC
   Location: South of Peterson Road, east of SR 429 and north of Clearwater Lake

   Mr. Howell said this was the Final Development Plan for Parcel "B1" of the Avian Pointe PD. He reviewed the location of this parcel on a map within the Avian Pointe PD. This plan consists of townhomes of six and eight unit buildings with minimum living area of 1800 square feet. There are two ingress/egress access points on Avian Parkway. A pool and clubhouse are proposed within this tract that is owned and maintained by the HOA and residents in parcels B1, A, and B3 with have access. July 3, 2019, Council approved the Preliminary Development Plan and all elements within the FDP are consistent.

   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 Avian Pointe Parcel "B1" Final Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Final Development Plan – Avian Pointe Parcel "B4"
   Project: Apopka Clear Lake Investments, LLC
   Location: South of Peterson Road, east of SR 429 and north of Clearwater Lake

   Mr. Howell said this was the Final Development Plan for Parcel "B4" of Avian Pointe PD. He reviewed the confines on a map within the PD and said it is the recreation tract for the overall PD and will be owned and maintained by the Master HOA. Council approved the Preliminary Development Plan on July 3, 2019 and the FDP is consistent with the PDP.

   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 Avian Pointe Parcel "B4" Final Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

5. **Ordinance No. 2690 – Comprehensive Plan – Large Scale – Future Land Use Amendment - Review Schedule Extension Request**
   Project: Carroll and Patricia A. Hamrick
   Location: North of West Ponkan Road, west of Mount Sterling Avenue

   David Moon, Planning Manager, said Ordinance No. 2690 transmittal hearing was on March 6, 2019, at which time Council approved at first reading and authorized transmittal to the state. He advised that after a Comp Plan Amendment is transmitted to the state agencies, they provide comments and a letter is sent to the City advising if there were any concerns. He affirmed the state agencies had no concerns, but once that letter is received the City has 180 days to hold the second public hearing and adoption. If the hearing cannot be held within this timeframe and the applicant and city agree, the hearing can be extended to a date certain. The applicant has requested to extend the review schedule for another 90 days to allow additional time to prepare a Development Plan, and address school capacity enhancement with the Orange County School Board. Staff has no objection to the extension.

   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 accept an extension of the review schedule for Ordinance No. 2690 to January 16, 2020. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. **Ordinance No. 2734 – First Reading - Comprehensive Plan – Small Scale – Future Land Use amendment From "County" Rural To "City" Low Density Residential**
   Project: Ramjit Bhoodram Life Estate; Ramjit Ethel R Life Estate; Rem: Ramjit Family Trust
   Location: 2375 Marden Road. The City Clerk read the title as follows:

ORDINANCE NO. 2734

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY" RURAL TO "CITY" LOW DENSITY RESIDENTIAL FOR CERTAIN REAL PROPERTY LOCATED 2378 MARDEN ROAD, COMPRISING 5.0 ACRES, MORE OR LESS AND OWNED BY <u>RAMJIT BHOODRAM LIFE ESTATE AND RAMJIT ETHEL R LIFE ESTATE</u>; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

Bobby Howell said the subject property is located at 2378 Marden Road and advised there was a typographical error in the agenda, however, it was advertised correctly. The property was annexed January 16, 2019, and the applicant is requesting a small-scale future land use amendment to change from County Rural to City Low Density Residential to facilitate the development of three lots on the property. He reviewed the surrounding land use on a map. He advised the Low Density Residential future land use designation permits a maximum of 5 DU/AC. DRC and Planning Commission recommend approval.

Mayor Nelson inquired if the property was advertised with the correct address to which Mr. Howell responded in the affirmative.

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. 2734 at first reading and hold over for a second reading. **Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.**

2. **Ordinance No. 2735 – First Reading - Change of Zoning From Transitional (T) To RSF-1B (Residential Single Family-Large Lot)**
   Project: Ramjit Bhoodram Life Estate; Ramjit Ethel R Life Estate; Rem: Ramjit Family Trust
   Location: 2375 Marden Road. The City Clerk read the title as follows:

ORDINANCE NO. 2735

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA CHANGING THE ZONING FROM TRANSITIONAL TO RSF-1B (RESIDENTIAL SINGLE-FAMILY DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 2378 MARDEN ROAD COMPRISING 5.0 ACRES, MORE OR LESS AND OWNED BY RAMJIT BHOODRAM LIFE ESTATE AND RAMJIT ETHEL R LIFE ESTATE, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Howell said this was the companion rezoning ordinance to the small scale future land use amendment that was just approved. This rezones the property from Transitional to RSF-1B. This zoning district provides lands that accommodate primarily single-family detached dwellings on lots with a minimum area of 8,000 square feet per dwelling unit. DRC and Planning Commission recommend approval.

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

MOTION by Commissioner Nolan and seconded by Commissioner Becker, to approve Ordinance No. 2735 at first reading and hold over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

CITY COUNCIL REPORTS – No reports.

ATTORNEY'S REPORT – No Report

CITY ADMINISTRATOR REPORT

1. Mayoral salary follow up
   Mr. Bass said MGT was at the last Council meeting as Council asked for an analysis on the Mayor's salary. At that time Council adopted a pay band and labeled it 17-M. The same information from that meeting is included in the Agenda Packet for this meeting. He said the range is set and Council now is tasked with providing direction where the salary should be placed in this range. He explained that if an employee comes in to a position without much experience, they would start at the base of the pay scale. Experience and education would determine where an employee could fit in that band.

   Commissioner Smith said in reference to the approved budget, Mr. Bass said there was some margin built in for salary. He asked if Council votes to go above that margin, how it would be compensated.

   Mr. Bass said when the compensation study was done there were some employees that were below the market and they will receive an increase to bring then to the minimum of their pay band. Staff is working to calculate that now and Council agreed to provide until November 1st to accomplish this. These salaries will be retroactive to October 1, 2019 for the new fiscal year. He suggested there will be some saving in those numbers as it was conservative. He said there should not be too much of an adjustment, but it will be brought back to Council.

Mayor Nelson advised he would be abstaining.

Commissioner Becker said he looked at the strong Mayor form of government comparisons and the base salary on per resident salary. He felt we should be in the midpoint range. Commissioner Smith agreed saying he was thinking around $125,000 to $130,000.

Commissioner Bankson said with the experience level Mayor Nelson has, and this is an executive position, he was considering the same range. He suggested $127,079.91, which is the midpoint between the two variations.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to set the Mayor's salary at $127,000. Motion carried 4-0-1 with Commissioners Bankson, Becker, Smith, and Nolan voting aye, and Mayor Nelson abstaining.

City Administrator Bass requested an effective date of November 1, 2019, which Council agreed.

MAYOR'S REPORT

Mayor Nelson showed the new shirt that is $20 and proceeds support Debbie Turner Cancer Center. This year the Fire Department and Police Department combined efforts and recognized on the shirt.

Mayor Nelson reported the closure of S.R. 436 Sheeler to McGee the night of October 13 and 14 from 11:00 p.m. to 6:00 a.m.

Mayor Nelson reported the new county benches with a poured slab and metal bench are coming to Apopka. There is advertising on the bench and there will be trash cans at each location.

Mayor Nelson announced the State of the City address is in the morning at the Apopka VFW/Community Center and sponsored by the Chamber of Commerce.

ADJOURNMENT – There being no further business the meeting adjourned at 2:14 p.m.

ATTEST: Bryan Nelson, Mayor

Linda F. Goff, City Clerk