CITY OF APOPKA

Minutes of the City Council budget hearing and regular meeting held on September 18, 2019, 7:00 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
Teresa Sargeant – The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION – Jim Schrock, Chaplain for Apopka Police Department gave the invocation.

PLEDGE – Mayor Nelson introduced Barbara Clerger and Faith Evans from Apopka High School who led in the Pledge of Allegiance and said on September 17th, 1787, the Constitution of the United States was completed and signed by a majority of delegates attending the Constitutional Convention in Philadelphia.

OPEN PUBLIC HEARING FOR FY 19/20 BUDGET

Mayor Nelson announced that the City of Apopka City Council convenes this Public Hearing on the City of Apopka's Fiscal Year 2019-2020 Final Millage rate and Final Budget as required by Florida Statutes, Chapters 129 and 200.

Florida Statutes, Chapter 200 requires that a final public hearing on the budget be preceded by a two to five day notice of hearing. Florida Statutes, Chapter 129 requires that we advertise a summary of the final budget. He asked the clerk if there was proof of publication.

There is proof of publication of the public hearing and the Budget Summary advertised in the Orlando Sentinel on Sunday, September 15, 2019.

SET FINAL MILLAGE & BUDGET FOR FISCAL YEAR 2019-2020

1. Resolution No. 2019-17 - Setting the millage levy for the fiscal year 2019-2020 at 4.0376. The City Clerk read the title as follows:

RESOLUTION 2019-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, SETTING THE MILLAGE LEVY FOR FISCAL YEAR 2019/2020.

Mayor Nelson said Resolution 2019-17 is setting the millage levy for the FY 2019-2020 at 4.0376 mills, which represents an increase of 5.92% over the rolled back rate of 3.8120 mills.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve Resolution No. 2019-17 establishing Fiscal Year 2019-2020 final millage rate at 4.0376 mills. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

Mayor Nelson said the City of Apopka has determined that a final millage rate of 4.0376 mills is necessary to fund the final budget. The final millage rate represents an increase of 5.92% from the rolled back rate of 3.8120 mills.

2. Resolution No. 2019-18 - Adopting the annual budget for fiscal year 2019-2020. The City Clerk read the title as follows:

RESOLUTION 2019-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND, SPECIAL REVENUE FUNDS, AND ENTERPRISE FUNDS FOR FISCAL YEAR 2019/2020.

Mayor Nelson announced Fiscal Year 2019-2020 proposed budget for all funds is balanced at $98,974,270.

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 adopt Resolution No. 2019-18 adopting revenues and expenditures for the City's Fiscal Year Budget commencing on October 1, 2019, and ending on September 30, 2020. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

Mayor Nelson said the City of Apopka has adopted Resolution No. 2019-18, which adopts revenues and expenditures for the City's Fiscal Year Budget commencing on October 1, 2019 and ending September 30, 2020 balancing all funds at $98,974,270. This concludes the Public Hearing on the City of Apopka's Fiscal Year 2019-2020 Final Millage rate and Final Budget as required by Florida Statutes, Chapters 129 and 200.

CLOSE PUBLIC HEARING FOR FY 19/20 BUDGET

APPROVAL OF MINUTES

1. City Council regular meeting August 21, 2019.

MOTION by Commissioner Becker, and seconded by Commissioner Smith, to approve the minutes of August 221, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye. .

AGENDA REVIEW – Edward Bass, City Administration advised there were no changes. .

PROCLAMATIONS:

1. Mayor Nelson read a Proclamation regarding Chiari Awareness and presented the proclamation to Apopka Families.

PRESENTATIONS:

1. Theatre South
   Herman LeVern Jones gave a presentation on Theatre South discussing the "I Have a Dream" Broadway musical they have performed across the country. They would like to bring this to Apopka and said they do community casting and involve the community. He said they would like to request funding and support from the City and the cost to include the City of Apopka in this project is approximately $50,000. They would need $17,500 as a deposit to begin implementing the project. He reviewed the history and highlights of this project and requested the City's support.

2. Classification & Compensation Study by MGT Consulting Group Follow-up.
   Jennifer Vickrey with MGT Consulting Group gave a presentation on employee Classification & Compensation Study and provided additional information previously requested regarding Police and Fire Departments. She also reviewed the Mayoral Classification stating they obtained a report from the University of Florida, Bureau of Economic and Business Research dated December 2017. This report provided demographics and salary details for 37 strong mayor municipalities. Three of the most appropriate market comparisons included Pensacola, Plantation, and Hialeah. They applied aging factors of 3.1% and 3.2% to account for salary increase budgets. Ms. Vickrey said they suggest a Mayoral Salary Band of $96,822.79 as the Minimum Value, $157,337.03 as the Maximum Value and the Market point of $121,029.49.

   Mr. Bass said in the motion for employees, they need direction from Council for the pay band model and the order list showing all of the positions within that pay band. These are the two documents based on the market study to apply to all employees within those ranges. He said they would need until November for implementation to be able to go through this list and make sure each employee is in the right band and adjusted to the minimum based on these numbers.

   Commissioner Smith asked if these adjustments are included in the budget that was just approved. Mr. Bass responded in the affirmative and the adjusted pay band would be retroactive to October 1, 2019.

   MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to approve the Classification & Compensation Study for employee salary ranges as presented in the Pay Plan Model and Grade Order List going into effect November

1, 2019, retroactive to October 1, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

MOTION by Commissioner Becker, and seconded by Commissioner Nolan to set Mayor pay band classified at 17-M, as presented in Mayoral Salary Band – Pay Grade 1. Motion carried 4-0-1 with Commissioners Bankson, Becker, Smith, and Nolan voting aye and Mayor Nelson abstaining.

Mr. Bass said he needed direction from Council as to where in the Mayor pay band the Mayor’s salary is to fall.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to postpone setting the Mayor salary to the next meeting October 2, 2019. Motion carried 4-0-1 with Commissioners Bankson, Becker, Smith, and Nolan voting aye and Mayor Nelson abstaining.

PUBLIC COMMENT

Patricia Merriweather expressed concerns regarding traffic at Vick Road and Lester Road with two new subdivisions in the area. She suggested a traffic light would be appropriate in that area where the 4-way stop is located at Lester and Vick Road.

Pam Richmond said we were not quite there, but in this coming fiscal year, money has been placed in the CIP for the design of Vick Road widening. While this is being done they will look at the intersections.

Mariah McCullough expressed concerns regarding the handling of the Fire Department investigation, the admonishments of Commissioner Becker during the last Council meeting, and the Commissioner involvement in Fire Department operations. She stated the City Attorney revealed a clear bias in the execution of the investigation toward the outcome administration was seeking. She stated this was further made clear during last week’s Council meeting when Commissioner Becker questioned the investigation and was promptly shut down and publicly admonished by the City Attorney for referencing the investigative findings. She said according to the *Government in the Sunshine Manual* referencing attorney notes and the case law noted therein, documents prepared to communicate, perpetuate, or formalize knowledge constitute public record and are therefore subject to disclosure in the absence of statutory exemption. She declared once the City Attorney provided a copy of the report to Commissioners, if not sooner, it became public record. She suggested it was suspicious and did not look good that the report was provided to Council just prior to the meeting they were being asked to ratify the Mayor’s recommendation for Chief. She declared it has been well documented that a sitting Commissioner gave orders to and dictated the removal of Chief Carnesale. She said this was in direct violation of Section 2.06 of the City Charter and the citizens were owed an explanation as to why this Commissioner thought it to be appropriate or legal to become involved in the operations of the Fire Department.

Commissioner Nolan said in response to this allegation, she was very vocal and she did express to the City Administrator how she felt about this matter. She stated she is vocal about many things and at times she is told that is not the direction we are going and other times she is told it is being looked into. She stated she was very vocal, but she did not give any direction and did not break any laws. She stated she expressed her opinion to citizens who directly asked her.

R.L. Colina said he was here to speak on part of competence. Competence is something that they value in the Fire Department and something the citizens look upon them to make sure they are competent. He stated they are competent, qualified, and trained, which are all characteristics that identify who they are. One of the things they value in their training is the fact that they can remove emotion, something that some people do not understand. They remove emotion so that they can objectively look at things such as an automobile accident, a fire, a hazard, or somebody dying. They remove emotion so they can make critical decisions to save a life, to make that decision competently, effectively, and efficiently. In doing that, the department has reached a point where they are one department again. They are in a position that the Fire Department wants to and are prepared to move forward. He said after 22 years in the Fire Department he feels he can be an expert witness on some of these matters. He stated they are here to discuss their Fire Chief and their Chief is Sean Wylam. He declared Sean Wylam has nothing to prove to the firefighters. He said he cannot say he speaks for 100% of the personnel and nobody can ever speak for 100%, but as a senior officer of this Fire Department and somebody that is committed, supported by brothers and sisters of this Fire Department, they have a captain for their ship. He pictures it as a book and they get to move on. They would like to respect the retirement of the past Fire Chief and would like him to enjoy his retirement and enjoy the good times and memories they shared. He stated that they are not just workers they are a family. For some time, there has been certain divisions, but it does not mean they stop performing. It means at this point, without prejudice to the past, they are looking at the present and the future because that is what the citizens deserve. If they look at their structure in the City of Apopka, who sits on the top; the citizens. He said they put forth every effort to fight for the citizens. Sean Wylam has proven himself through training, education, certification, and acts of what he has done and who he is to take charge of this and for the department to follow his lead, get this going in the same direction and keep moving forward. He said there should be no split vote, Council has always supported the Fire Department and that is distinctive of any other city. He professed there is a connection between the Council, Fire Department, and Police Department and this is why there is not a union in the City of Apopka because they can communicate. He affirmed Chief Sean Wylam is ready and he has the backing of his personnel.

CONSENT (Action Item)

1. Authorize the Public Services Director to execute Amendment No. 4 to the Water Reclamation Facility expansion Engineering and Construction Administration contract with Tetra Tech, Inc. for additional construction administration services in the amount of $22,582.34.
2. Authorize the Fire Department to dispose of surplus capital property.
3. Reject RFP 2019-07 for Insurance: Property, Casualty, Liability, and Workers Compensation.
4. Authorize the issuance of blanket purchase orders.
5. Accept the disbursement report for August 2019.

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

BUSINESS (Action Item)

1. Development Agreement First Amendment - Publix Kelly Park
   Project: Publix Super Markets, Inc.
   Location: 4966 Plymouth-Sorrento Road

   David Moon, Planning Manager said the Developer Agreement required that Developer dedicate a twelve foot wide right-0f-way along West Kelly Park Road for a pedestrian/bike trail, as well as a five foot wide strip of land along Plymouth-Sorrento Road for a sidewalk. The City and Developer have agreed that these conveyances are no longer necessary and this amendment memorializes the cancellation of the requirement.

   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 Bankson, to approve the first amendment to the Publix Kelly Park Development Agreement. Motion carried unanimously with Mayor Nelson and Commissioner Bankson, Becker, Smith, and Nolan voting aye.

2. Final Development Plan/Plat – Sheeler Pointe Subdivision
   Project: First Pentecostal Church of Orlando, Inc.
   Location: 1790 Grand Oak Drive

   Bobby Howell, Senior Planner provided an overview of the project and Final Development Plan/Plat for Sheller Pointe Subdivision. He reviewed the location and surrounding land uses on a map. The recommendation is to approve the Final Development Plan/Plat for Sheeler Pointe Subdivision.

   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 Sheeler Pointe Subdivision Final Development Plan and Plat. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Final Development Plan - Lake Gem Lot 2 Sigle Holdings
   Project: Property Industrial Enterprises, LLC c/o Michael R. Cooper
   Location: 651 Marshal Lake Road

   Jean Sanchez, Planner provided a brief review of the project and Final Development Plan. She reviewed the location on a map and the surrounding land uses. The recommendation is to approve the Lake Gem Lot 2 Final Development Plan and Plat.

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 Lake Gem Lot 2 Final Development Plan and Plat. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2730 – Second Reading - Change of Zoning – Hammock at Rock Springs
   From: T (Transitional)
   To: PD (Planned Development)
   Project: Construesse USA, Inc.
   Location: West of Rock Springs Road and South of Disalvo Place
   The City Clerk read the title as follows:

ORDINANCE NO. 2730

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM TRANSITIONAL TO PLANNED DEVELOPMENT FOR CERTAIN REAL PROPERTY LOCATED AT 2600 ROCK SPRINGS ROAD, COMPRISING 9.59 ACRES MORE OR LESS, AND OWNED BY CONSTRUESSE USA INC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner, advised the City Council unanimously recommended approval at the first reading for the rezoning, master plan, and preliminary development plan on September 11, 2019 meeting. 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 Bankson, and seconded by Commissioner Nolan, to adopt Ordinance 2730. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Ordinance No. 2670 – Second Reading - Comprehensive Plan – Large Scale – Future Land Use From: Residential Low (O-5 DU/AC) and Residential Low Suburban (0-3.5 DU/AC)
   To: Residential Medium Low (0-7.5 DU/AC)
   Project: Radam Investment, LLC
   Location: North of South Apopka Boulevard, west of South Lake Pleasant Road
   The City Clerk read the title as follows:

ORDINANCE NO. 2670

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 RESIDENTIAL LOW AND RESIDENTIAL LOW SUBURBAN TO RESIDENTIAL MEDIUM LOW FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF S. APOPKA BOULEVARD AND WEST OF S. LAKE PLEASANT ROAD, OWNED BY RADAM INVESTMENT LLC; COMPRISING 23.67 ACRES MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez said there have been no changes since the first reading.

Jonathan Huels, Lowndes, Drosdick, Doster, Kantor & Reed Law Firm, said he was here on behalf of the current owner and developer of the Monarchs at Lake Pleasant project. He stated, as discussed last week the property is located on Apopka Boulevard west of Hiawassee Road across from Chelsea Park. The property is approximately 23 acres in size, but 3-acres are surface water or wetlands. This property is immediately surrounded by residential, undeveloped properties, and Lake Pleasant. He said beyond those immediate boundaries there is a confluence of uses in the vicinity, including institutional, industrial, commercial land and additional residential. He stated it is important to note this property is a short walk from a Lynx bus stop and the major Orange Blossom Trail commercial corridor. The proposal is for 126 market rate apartment residences, yielding approximately 6.2 du/acre. These residences will be spread across seven buildings that would cluster toward the southern portion of the property that is closest to Apopka Boulevard, leaving the remaining of the area of the property as open space. He affirmed they are committed to the open space and if approved, when this comes back through as a site plan, they are willing to enter into a development agreement with this in a contractual arrangement with the City. He reviewed the amenities to include a central courtyard with clubhouse, playground, pool, dog park, and walking trails around the perimeter. He said the student and traffic generation rates are similar to or less than what could be developed on the property today as a single-family residential subdivision. He advised they are committed to placing east bound and westbound turn lanes on Apopka Boulevard. Mr. Huels said after last week's meeting they were approached by Chief McKinley to discuss an initiative he is in the process of establishing with the city known as The Crime Free Multi-housing Program. He said this is a program used in conjunction with crime prevention through environment design and a local government adopts policies, and then voluntarily ask multi-family projects to enter into an arrangement with the city. Part of the process is an agreement with the city that you will have an addendum as part of your leases that allow for removal of any problematic residents if there is a crime issue. He declared they are very interested in this project and would obligate their participation in a development agreement once the program is formed. Mr. Huels said there were questions last week about distance separation from this property to the nearest Chelsea Park residences across the street. He reviewed separation from property boundary to rear of structure of Chelsea Park stating the nearest one is 100-feet separated today by a perimeter wall and the right-of-way. He advised with the proposed development, that coupled with the 25-foot setback would result in 125-feet from the nearest residential building proposed as part of this project and the Chelsea Park residences.

Mr. Huels said there was discussion at the last meeting regarding pushing the two front buildings further back into the interior of the project. He stated they challenged their engineer to put together a plan that would maintain the character of what they would want to construct. He reviewed a conceptual plan that pushes those two front buildings back from a 25-foot setback to a 100-foot setback. This would create a separation distance of 200 feet from Chelsea Park. He declared staff have not vetted this and if it were the pleasure of this Council to approve the rezoning and comp plan amendment tonight, they would like direction on where the Council would like to see these buildings. He stated the alternative plan keeps all the amenities in the central courtyard, but it does move the dog park to the back corner. He stated the setbacks in the new plan greatly exceed the minimum requirements.

Commissioner Becker from a footprint perspective, moving the two buildings toward the north side or the rear of the property, but really preserving that space would create an opaque landscaping to protect some of the rural like setting is what he would be seeking with more of an aesthetic value upfront.

Mr. Huels pointed out the new conceptual plan would have a wall fronting Apopka Boulevard four feet and then two feet opaque, then there is a 25 foot buffer that would be landscaped.

Commissioner Becker said from a market rate perspective, anything Council indicates approval in terms of landscaping and footprint of the property, what can be done to insure this happens.

Mr. Huels proposed, if it is the pleasure of Council to approve the comp plan and rezoning, this project would come back through staff review of the site plan, Planning Commission review, and back to Council for final decision. At that time they would work with the City Attorney and staff to put together a Development Agreement that would obligate them to what they are representing as parts of this project such as market rate, preservation of remaining open space areas, to join in the City's CFMH program once it is established, and they would be bound by the turn lanes.

Commissioner Smith asked if the 25-foot buffer was between the parking lot and the road. Mr. Huels responded in the affirmative.

Commissioner Bankson reiterated this was established as a market rate product. He said he spoke with Chief McKinley regarding the CFMH program and standards, stating this addresses the concern of a crime element. He also addressed the buffer prior to the parking lot. He agreed that he would like to see open space in the front of the development stating this helps to protect the aesthetic value. He pointed out single-family homes could be the same height and be built closer together.

Commissioner Nolan said she liked that the plan was keeping the back area natural open space.

Mayor Nelson opened the meeting to a public hearing.
John Acevedo spoke against the project stating he lived next to the property on the lakeside. He has concerns with how true and accurate the traffic study is having been conducted in June after school was let out. He spoke against the height of the buildings stating this was not compatible in a rural neighborhood. He said it was concerning that the lake would flood.

Melanie Johnson wanted to go on record opposing this zoning change. She lives in the neighborhood and said the apartment complex is not compatible or characteristic of the neighborhood. She stated she would rather see more homes and deal with traffic. She expressed concerns regarding crime and property values.

Jean Sweete currently resides in Kissimmee, said she is a 27-year real estate veteran, and has known Adam Martinez for over 15-years. She stated she appreciates his work ethic and ambition. He seldom sells, mostly buys and retains property and eleven of his properties are in Apopka. She said he works hard to be a good neighbor and his interest is always to have clean, well-maintained property in order to command the highest possible rent. He is known to help neighbors with their property. He noticed some time ago, there were very few upscale apartments near downtown Apopka and he believes he can help fix that deficit. She asked the Council to vote in favor of this rezoning and comp plan amendment.

David Caylor said he lives approximately a quarter of a mile from the property. He stated these apartments would be more compatible with the area than what appears to be a metal recycling operation just two lots to the north, and a trucking company beyond that.

Anita Ezzai said this projects hits home with her stating the Apopka Police and Fire Departments know she and her husband well. They have been in their dwelling ten years and have had approximately ten cars that have wrecked through their brick wall and each incident was due to crime. Her concern is with bringing a project like this in the community, and how the City will protect homeowners and their children ensuring safety against crime.

Karin Settle said she was the President of the HOA in Piedmont Park and she was here to address another issue. She stated she did her own traffic study and showed video that she took while sitting on the side of the road yesterday. She pointed out Piedmont Wekiva and said people are using a cut through turning off Hiawassee and then make a right on Apopka Boulevard so they do not have to go to the light. She stated in 39 seconds nine vehicles cut through this area. She expressed concern with additional vehicles doing this same thing. She said all the focus has been what this is going to do to Chelsea Park. All of these people are going to be traveling to Walmart and Sam’s. She had an electronic petition on her phone that over 300 residents have signed opposing this project. She said she was not able to print a copy.

Commissioner Bankson said if this road was made one-way then it would not be utilized as a cutoff road. Commissioner Becker added that they need to make sure to preserve the name of the road, Armando Borjas Jr. Way.

Kathy said she lives in Piedmont Park on Lake Pleasant and Apopka Boulevard. She will be looking at the proposed buildings and now looks at a farmhouse that has horses. She stated on the back road by Sam’s she gets all of the traffic now and cannot sit on her back patio because of the noise. She made note of the traffic accidents that often occur at the corner of Lake Pleasant and Apopka Boulevard. She declared rezoning that area will not help the community.

Terrie Brown said two thoughts have come to mind as a result of this conversation. With the question of the crime rate and whether it will go up or be protected, there are no guarantees. She stated auto insurance companies look at where you live and insurance is based on crime rate. She said she loves looking out at the horses. She said the waterway is very murky now and she would hate to see more water runoff.

Jennifer Smith said as a parent she is concerned with crime, as she has seen areas turn with a higher crime rate when apartments went in. She spoke of the traffic that cuts through Armando Borjas Jr. Way. She asked Council to vote no on the rezoning.

Darlene Weinberg lives in Piedmont Park in the section of where the roadway that backs up to the cut through road. She said when they first moved there it was the main road, then they decided to extend Hiawassee and there is a triangle piece of land behind them now. She said there is a lot of traffic cutting onto that road to miss the light. She expressed concerns with trying to get out of their subdivision with the extra traffic. She stated they did not need the property rezoned or the apartments to go there.

Joshua Schriefer said he has a number of concerns similar to what has been stated. Traffic is obviously a concern for safety and he said his neighbor has had people come through their brick wall from accidents. He said a number of school buses come up and turn and he cannot imagine adding traffic to this area.

Jonathan Huels said there is a lot of passion, but there is a bit of misinformation being spread and the duty of Council is to base their decision on criteria these requests are to be evaluated as set forth in the Comp Plan and Land Development Code and apply that criteria to the competent substantial evidence before them. They have submitted, in support of this application, a traffic study prepared by a professional traffic engineer that was reviewed by city staff and accepted. This study showed no road segment failures or of the intersections. The traffic study was 76 P.M. peak hour trips for both coming in and going out. He said the owner/developer has livestock on the property now by his choice. He stated stormwater will be reviewed and approved by both the City Engineer and the SJRWMD and must meet all criteria not resulting in additional flooding. They do not believe there will be any additional crime caused by this community. He affirmed the developer is an Apopka resident and has a record of accomplishment in improving properties. It is his plan to develop, own, and use this as an income generating property, keeping it is the best character. He said this will be built completely out of concrete block. The property will be managed by a professional management company. He affirmed they are not seeking any waiver on the height of the buildings. They feel they meet the compatibility in this area and ask that Council approve the Comp Plan and the rezoning with the understanding they have been given some feedback on what the site plan should look like when it comes to Council. They are committing to what has been represented here in a contractual arrangement with the City.

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

Commissioner Bankson said he is familiar with the area as his grandmother lives in the area. He discussed the traffic and said single family homes would result in more traffic. He stated 70% of this property will be kept as green space and that will help to protect. He pointed out that the height does not mean it is the window height, it is the top of the roof. He spoke of the crime issue and said this could help with what is already being experienced. He said they do respect the community's voices and will take everything into consideration.

Commissioner Becker said they talked about compatibility and the neighborhood to the south is residential medium low already. He stated it is compatible and has come back from state review that it is compatible and meets the burden of proof. He discussed other neighborhoods and the number of homes within those communities, stating they are not all owner-occupied. He said there has been a lot of discussion regarding traffic and the traffic study and said staff needs to advise if the concerns heard are valid or not. He spoke of the open space and said he did not have enough data to support not moving forward.

Mayor Nelson said having more space that is open; it is less likely to flood. He spoke of the area behind Sam's all the way to S.R. 436. He stated with Orange County, FDOT, and Seminole County they will be looking at that entire area for flooding. He said there would be less percolation with single-family homes built there. Traffic will be less with the apartment complex.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to adopt Ordinance 2670 changing the Future Land Use from Residential Low and Residential Low Suburban to Residential Medium Low. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Ordinance No. 2732 – Second Reading - Change of Zoning – Monarchs at Lake Pleasant
   From: T (Transitional) and RSF-1A (Residential Single Family)
   To: RMF (Residential Multi-Family)
   Project: The Monarchs at Lake Pleasant, LLC c/o Rafael Martinez
   Location: 1653, 1711 and 1717 Apopka Boulevard
   The City Clerk read the title as follows:

ORDINANCE NO. 2732

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA CHANGING THE ZONING FROM TRANSITIONAL AND RSF-1A (RESIDENTIAL SINGLE FAMILY) TO RMF (RESIDENTIAL MULTI-FAMILY) FOR CERTAIN REAL PROPERTY LOCATED AT 1653, 1711 AND 1717 APOPKA BOULEVARD COMPRISING 23.52 ACRES, MORE OR LESS AND OWNED BY <u>MONARCHS AT LAKE PLEASANT, LLC</u>; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Jean Sanchez affirmed on September 11, 2019, City Council accepted the first reading of Ordinance No. 2732 and held it over for a second reading and adoption. There have been no changes since the first reading. The recommendation is to adopt Ordinance No. 2732 approving the rezoning.

Commissioner Bankson said the property owner has a right to develop their property. If this zoning does not change, it limits those rights. He asked if Council was obligated from a legal standpoint.

City Attorney Byrd responded in the affirmative. He said this is a quasi-judicial hearing and the applicant has submitted competent substantial evidence. The focus Council has is very narrow; does it comply with our comprehensive plan, and with our code. He affirmed from the last two hearings, there has been competent substantial evidence submitted into the record by the applicant.

Commissioner Becker said the revision of the Land Development Code gives Council enough leeway to feel comfort in terms of the zoning classification. He stated the applicant has heard them in terms of the site plan and Council has the authority as this moves forward to look at these on a one on one basis.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to adopt Ordinance 2732 changing the zoning for Monarchs at Lake Pleasant from Transitional and Residential Single Family to Residential Multi-family. Motion carried 4-1- with Mayor Nelson, and Commissioners Bankson, Becker, and Nolan voting aye. Commissioner Smith voted nay.

CITY COUNCIL REPORTS

Commissioner Nolan noted there was a full attendance at tonight’s meeting and all of the Fire Department attendees stood to give room for citizens.

Commissioner Smith said he would like to see the City move forward and support the project presented earlier on “I Have a Dream”. He asked that those individuals provide the information needed in order to seek funding.

Commissioner Becker said he received a note from a resident in Pines of Wekiva talking about the lighting at the Apopka Athletic Complex thanking staff for the lights in this area.

CITY ADMINISTRATOR REPORT

City Administrator Bass reported there was a meeting held today at Alonzo Williams Park. He encouraged Council to stop by to see the progress. The grand opening will be prior to the Christmas holiday.

Mr. Bass reported Dr. Jackson has put together a plan for the Apopka Youth Council and this will be brought to Council in the near future.

ATTORNEY'S REPORT – No Report

MAYOR'S REPORT

1. Appointment of Fire Chief.
   Mayor Nelson asked Interim Chief Wylam to come forward. He said Chief Wylam has had an opportunity to meet individually with the Commissioners.

   Commissioner Becker said he likes to consume a much information as he can to make a full and complete conclusion. He had an opportunity to read the full report provided last week. He may not have agreed with the entire process, but said that report allowed him to see how Interim Chief Wylam sees the department and how he looks at the department. He stated the only question he had was if the appointment process was in line with the City Charter. He did have an opportunity to meet with Chief Wylam and they had a good conversation. From an operational and tactical point of view, he is highly qualified.

   Mayor Nelson said he and the City Attorney discussed this after the last meeting and there is language in our Charter that conflicts itself. He asked City Attorney Byrd to explain.

   City Attorney Byrd said he knows of nothing this appointment process conflicts with the Charter. He stated there are two conflicting sections of our Charter that Council may need to address at some point. In one section the Charter says Council will not have any impact or bearing in the selection or removal of any directors. On the other hand, under the powers of Council it does not say Council has the power to ratify, but under the powers of the Mayor, it states he will select and Council will ratify appointment of directors.

   Commissioner Bankson said the delay removed clouds. He stated he has seen Chief Wylam in operation and was happy to see him step into this role.

   Commissioner Nolan met with Chief Wylam earlier today. She stated she loves that Apopka always looks within prior to going out. She found Chief Wylam to be highly recommended by staff and citizens. She asked him why they should choose him and asked Chief Wylam to share his explanation here.

   Interim Chief Wylam thanked Council for the opportunity. He stated a lot of it comes down to coming up within and he has always stressed that education plus experience equals knowledge. He started as a firefighter EMT and worked his way up educating himself and gaining that experience and true knowledge within our department and the city as a whole. He said he was proud to be part of the Apopka Fire Department and proud to represent that moving forward. He said it was not about one person and he takes that at heart.

   MOTION by Commissioner Smith, and seconded by Commissioner Bankson to ratify the appointment of Sean Wylam as Fire Chief. Motion carried unanimously with Mayor Nelson and Commissioner Bankson, Becker, Smith, and Nolan voting aye.

ADJOURNMENT – There being no further business the meeting adjourned at 10:08 p.m.

ATTEST:

Bryan Nelson, Mayor

Linda F. Goff, City Clerk