

CITY OF APOPKA

Minutes of the City Council regular meeting held on September 16, 2020 at 7:00 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 Smith provided the invocation and led in the Pledge of Allegiance. He then read the fact of the day.

He said that on September 17, 1976, the first ever space shuttle, Enterprise, is unveiled by NASA. It cost \$10 billion to create as well as 10 years to develop the aircraft-like shuttle. In 1977, NASA tested the shuttle by releasing it from a Boeing 747 at a height of 25,000 feet and it successfully glided back to Edwards Air Force Base. The space shuttle began regular flights in 1981 and continued to 2011 when the program ended and the remaining shuttles were retired.

APPROVAL OF MINUTES

1. Budget Workshop Meeting Minutes of 07/13/20
2. Budget Workshop Meeting Minutes of 07/14/20
3. Budget Workshop Meeting Minutes of 07/15/20
4. Regular Council Meeting Minutes of 07/15/20
5. Regular Council Meeting Minutes of 08/05/20

Mayor Nelson asked if anyone had any questions about any of the minutes. Hearing none, he asked for a motion to approve the five (5) sets of meeting minutes.

MOTION by Commissioner Smith and seconded by Commissioner Bankson, to approve the five (5) sets of meeting minutes. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

AGENDA REVIEW

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

PUBLIC COMMENT PERIOD

An online submittal from Tenita Reed, 651 O'Leary Court, Apopka, FL 32712 was read into the record expressing her concerns with the proposed merit pay raises.

An online request from Kristen Svenson of 1710 Hermit Smith Road, Apopka, FL 32712 was submitted, however, she also came in person to express her concerns with the issues with Hermit Smith Road. She said that this road has major issues and is unsafe and has been requested that something be done to improve these unsafe conditions. She claims she has called and emailed on several occasions and nothing is happening. Mr. Bass, City Administrator responded and stated we are aware of the condition of that road and are currently addressing the issues. He said that one of the issues is the drainage that is coming onto the road is coming from the property owner. He said that the property owner is going to have to address this issue. He said that Jeff Weatherford, our new Public Services Director, has assessed the road and recently stripped the road. He said that we have ordered the Chevrons and they will be installed as soon as they arrive. He said that the study is complete and that we will be making some safety improvements to that section of the road however the property owner also shares responsibility in this as we can make repairs but if the underlying problem is not addressed, it will continue. Commissioner Becker said the only thing he would add is that this road is unsafe when we have heavy rain however, we need to discuss this to find a solution.

Rod Olson, 1356 Rolling Hills Lane, Apopka, FL 32712, came to speak as an individual tax payer regarding taxes, new development and schools. He said no one likes higher taxes and said we operate under one of the lowest tax rates in the County and said our new proposed tax rate is moving in the right direction at 4.2876 and said that when you look at our road conditions and some of the other services that need attention, it's sad. He said we must deny development if we don't have proper infrastructure, roads, services or schools to accommodate.

CONSENT (Action Item)

1. Award a contract for RFP 2020-08: Insurance - Property, Liability, Casualty, & Workers Compensation.
2. Award a contract for RFP 2020-09: Professional Auditing Services.
3. Approve retention of law firm of Fisher & Phillips, LLP, as special counsel for collective bargaining and labor matters.
4. Authorize the issuance of blanket purchase orders for fiscal year 2020.
5. Accept the disbursement report for August 2020.

Mayor Nelson asked if anyone had any questions or needed to pull anything off the consent agenda. Hearing none, he asked for a motion to approve the five (5) items on consent.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve the five (5) items on Consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

BUSINESS (Action Item)

1. Major Development Plan – Residences at Emerson Park

Owner: Residences at Emerson Park, LLC, c/o Charles Whittal

Applicant: Park Square Homes, LLC, c/o Tom Spence

Engineer: Vanasse Hangen Brustlin, Inc. (VHB), c/o Leah Fitzpatrick, P.E.

Location: 1601 Alston Bay Boulevard

Project: 14.23 +/- acres; 103 Townhome Units (7.17 du/ac)

Project Manager: Jean Sanchez

Jean Sanchez, Planner II said this is a request for approval of the Major Development Plan for the Residences at Emerson Park. She said the property is located East of Ocoee Apopka Road, South of Emerson Park Townhomes and West of Emerson Park Residential Subdivision. She showed the aerial of the property and said this proposes development of 103 Townhome units with private roadways. She said amenities include a pool, cabana, and dog park. She said the typical living area is 1000 square feet as required by the Mixed-Use East Shore Gateway and the minimum typical lot width is 20' and a lot depth of 110'. She reviewed the landscape plan and said the plan meets the requirements of the Land Development Code. She said DRC recommends approval and at the August 8, 2020 meeting, the Planning Commission recommended approval. She said staff recommends approval of the Residences at Emerson Park Major Development Plan.

Commissioner Smith said that he is concerned that Ocoee Apopka Road needs to be four laned if we're going to continue to build and dump traffic on the road.

The applicant's representative, Leah Fitzpatrick of VHB said that they're currently working on a signal warrant analysis and said any findings from that report or improvements that need to be made will be addressed in the Final Development Plan.

Mayor Nelson asked whether anyone from the public needs to speak on this item and hearing none, he asked for a motion to approve the Major Development Plan for the Residences at Emerson Park.

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

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2770 – Second Reading - Comprehensive Plan – Future Land Use Element - Text Amendment

Applicant: City of Apopka

Project: Policy 3.1.i – Commercial - To expand opportunities where assisted living facilities can locate.

Project Manager: Bobby Howell
The Clerk read the title:

Mayor Nelson asked if there have been any changes since the first reading to which Bobby Howell, Project Manager stated there are none. Mayor Nelson asked whether anyone from the public needs to speak on this item and hearing none, he asked for a motion to adopt Ordinance No. 2770.

MOTION by Commissioner Becker and seconded by Commissioner Bankson, to adopt Ordinance No. 2770. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

2. Ordinance No. 2785 – Second Reading - Annexation

Owner/Applicant: Beckwood Real Estate Development LLC, c/o Rogers Beckett

Location: North of West 12th Street, east of South Hawthorne Avenue

Project: 0.41 +/- acre

Project Manager: Phil Martinez

The Clerk read the title:

Mayor Nelson asked if there have been any changes since the first reading to which Phil Martinez, Planner II stated there are none. Mayor Nelson asked whether anyone from the public needs to speak on this item and hearing none, he asked for a motion to adopt Ordinance No. 2785.

MOTION by Commissioner Smith and seconded by Commissioner Bankson, to adopt Ordinance No. 2785. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

3. Ordinance No. 2790 – Second Reading – MSBU

Project: Consent to continue the Orange County South Apopka area 11/2018 Municipal Service Area Municipal Service Benefit Unit

Project Manager: Phil Martinez

The Clerk read the title:

Mayor Nelson asked if there have been any changes since the first reading to which Phil Martinez stated there are none. Mayor Nelson asked whether anyone from the public needs to speak on this item and hearing none, he asked for a motion to adopt Ordinance No. 2790.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to adopt Ordinance No. 2790. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

4. Ordinance No. 2781 - Change of Zoning / Planned Development Master Plan

From: T (Transitional)

To: PD (Planned Development)

Owner: Clonts Farm, Inc.

Applicant: K Hovnanian Cambridge Homes, LLC

Location: 810 S. Binion Road

Project: 31.4 +/- acres; 67 single-family units

Project Manager: Bobby Howell

NOTE: Withdrawn by the Applicant

Mayor Nelson announced that the Applicant has withdrawn this Ordinance and asked for a motion to withdraw Ordinance No. 2781.

Michael Rodriguez, City Attorney said that the applicant withdrew the application so we don't need a motion and no action is required by the Council.

5. Ordinance No. 2782 - Change of Zoning; Assignment of KPI Transition and Neighborhood Character Zones; and Master Plan – Orlando Beltway East Subdivision

From: T (Transitional District)

To: MU-KPI (Mixed Use Kelly Park Interchange)

Owner: Orlando Beltway Associates

Applicant: Hall Development Services, Inc., c/o Jim Hall

Location: West side of Plymouth-Sorrento Road, approximately ¼ mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road

Project: 56.51 +/- acres; 202 residential units - 143 single-family and 59 townhomes

Project Manager: Bobby Howell

The Clerk read the title:

NOTE: Staff requesting continuance to October 7, 2020

Mayor Nelson announced that Staff is requesting a continuance of Ordinance No. 2782 until the October 7, 2020 meeting at the recommendation of the Planning Commission in order to allow time for a review of a Traffic Impact Analysis and said the applicant agrees with this recommendation.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to continue this item until the October 7, 2020 meeting in order to review the Traffic Impact Analysis. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

6. Ordinance No. 2783 – First Reading - Comprehensive Plan – Small Scale – Future Land Use Amendment

From: Agriculture

To: Industrial (Max. 0.60 FAR)

Owner: Faircloth Family LTD.

Applicant: Jose L. Perez

Location: North of East Keene Road, west of Clarcona Road

Project: 2.24 +/- acres; 58,544 non-residential sq. ft. +/-

Project Manager: Phil Martinez

The Clerk read the title:

Phil Martinez said the applicant is proposing a small- scale Future Land Use Amendment from Agricultural to Industrial for approximately 2.24 acres. He said the property is zoned Agricultural District at this time and an application for light industrial has been submitted and will be presented on the next agenda item. The Development Review Committee and the Planning Commission recommend approval and said the recommended motion is to accept the first reading of Ordinance No. 2783 and hold over for a second reading and adoption.

Mayor Nelson asked whether anyone from the public needs to speak on this item and hearing none, he asked for a motion to approve Ordinance No. 2783 at first reading and hold over for second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve Ordinance No. 2783 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.

7. Ordinance No. 2784 – First Reading - Change of Zoning

From: AG (Agriculture District)

To: I-L (Light Industrial District)

Owner: Faircloth Family LTD.

Applicant: Jose L. Perez

Location: North of East Keene Road, west of Clarcona Road

Project: 2.24 +/- acres; 58,544 non-residential sq. ft. +/-

Project Manager: Phil Martinez

The Clerk read the title:

Phil Martinez said the applicant is proposing a rezoning from Agricultural District to Light Industrial for the same property as the previous agenda item. He said the proposed light industrial zoning is compatible with the previously proposed Future Land Use Amendment. The Development Review Committee and the Planning Commission recommend approval and said the recommended motion is to accept the first reading of Ordinance No. 2784 and hold over for a second reading and adoption.

Mayor Nelson asked whether anyone from the public needs to speak on this item and hearing none, he asked for a motion to approve Ordinance No. 2784 at first reading and hold over for second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve Ordinance No. 2784 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.

8. Ordinance No. 2788 – First Reading - Annexation

Owner: Joseph L Sandroni Estate

Applicant: Cadence Partners LLC

Location: North of Ocoee Apopka Road, west of South Bradshaw Road

Project: 8.76 +/- acre

Project Manager: Phil Martinez

The Clerk read the title:

Phil Martinez said the applicant is proposing to annex approximately 8.76 acres, located North of Ocoee Apopka Road and East of S.R. 451. He said the subject property is currently vacant and said the proposed annexation is in accordance with Florida Statutes and the Joint Planning Agreement between the City of Apopka and Orange County. He said the Development Review Committee recommends approval and said the recommended motion is to accept the first reading of Ordinance No. 2788 and hold over for a second reading and adoption.

Mayor Nelson asked whether anyone from the public needs to speak on this item and hearing none, he asked for a motion to approve Ordinance No. 2788 at first reading and hold over for second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Bankson, to approve Ordinance No. 2788 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.

9. Ordinance No. 2789 – First Reading - Annexation

Owner/Applicant: CHS Management Corp., c/o Nita Batra

Location: South of Lent Road, east of Plymouth Sorrento Road

Project: 8.85 +/- acre

Project Manager: Phil Martinez

The Clerk read the title:

Phil Martinez said the applicant is proposing to annex approximately 8.85 acres, located North of Ponkan Pines Road and East of Plymouth Sorrento Road. He said the subject property is currently vacant and said the proposed annexation is in accordance with Florida Statutes and the Joint Planning Agreement between the City of Apopka and Orange County. He said the Development Review Committee recommends approval and said the recommended motion is to accept the first reading of Ordinance No. 2789 and hold over for a second reading and adoption.

Mayor Nelson asked whether anyone from the public needs to speak on this item and hearing none, he asked for a motion to approve Ordinance No. 2789 at first reading and hold over for second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Bankson, to approve Ordinance No. 2789 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.

10. Approve Resolution No. 2020-20 - Second Reading - Oak Point North Street Lighting District Special Assessment.

Presented by: Chuck Vavrek

The Clerk read the title

Mayor Nelson asked if there are any changes since the first reading to which Mr. Vavrek stated there are none. Mayor Nelson asked if anyone from the public needs to speak on this item and hearing none, he asked for a motion to approve Resolution No. 2020-20.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve Resolution No. 2020-20. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

11. Approve Resolution No. 2020-22 - Second Reading - Creating the Residences at Emerson Park Street Lighting Special Assessment.

Presented by: Chuck Vavrek

The Clerk read the title:

Mayor Nelson asked if there are any changes since the first reading to which Mr. Vavrek stated there are no changes. Mayor Nelson asked if anyone from the public needs to speak on this item and hearing none, he asked for a motion to approve Resolution No. 2020-22.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve Resolution No. 2020-22. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker and Smith voting aye.

CITY COUNCIL REPORTS

Commissioner Bankson said he will forgo his time as it's been a busy night.

Commissioner Smith said that on behalf of Commissioner Dean's family, they really appreciate the support of the City and said the City performed outstandingly and with the support of staff and the Apopka Police Department.

Commissioner Becker said it was a beautiful service and befitting for the type of sendoff that Commissioner Dean deserved.

CITY ADMINISTRATOR REPORT

Edward Bass said he has nothing more to report.

CITY ATTORNEY'S REPORT

Michael Rodriguez said he has nothing to add.

MAYOR'S REPORT

Mayor Nelson provided a quick update on the Covid and said that things are trending in the right direction.

ADJOURNMENT: There being no further business, the meeting adjourned at 8:11 p.m.

ATTEST:

Bryan Nelson, Mayor

Susan M. Bone, Deputy City Clerk

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