

CITY OF APOPKA

Minutes of the regular City Council meeting held on December 19, 2018, at 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 Cliff Shepard
City Administrator Edward Bass

PRESS PRESENT: Teresa Sargeant - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: - Mayor Nelson called on Reverend Mark Remington of Victory Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson introduced Pablo Rivera, a local college student, who led in the Pledge of Allegiance. He said on this day, December 19, 1958, the first radio broadcast from space was transmitted to Earth. That broadcast was President Eisenhower's Christmas message: "Through this unique means I convey to you, and to all mankind, America's wish for peace on earth and goodwill to men everywhere."

APPROVAL OF MINUTES:

1. City Council regular meeting December 5, 2018.
Mayor Nelson pointed out that under public comment on page 5 Orange County should be St. John's River Water Management District helping with the Birding Park. In addition, Ms. Richmond's name was incorrect and will be corrected.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the minutes of December 5, 2018, as corrected. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Nolan voting aye.

AGENDA REVIEW – City Administrator Bass said there were no changes.

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

PRESENTATIONS

1. Kristen Young, with the help of the Girl Scouts in Troop 1630 and co-leaders, gave a presentation of a Little Free Library they will be installing at the park near Wolf Lake Elementary School so others will be able to read.
2. Chief Carnesale presented a check to Debbie Turner's Cancer and Research Foundation. The month of October firefighters wear pink t-shirts to support breast cancer awareness. He thanked Beef O 'Brady's, Porkies, Marco's Pizza of Piedmont Plaza, Rock Springs Bar and

Brill, and the Apopka Elks Lodge for assisting with fundraisers. The Fire Department was able to raise \$2,366 for the center with these fundraisers and the City raised \$450 by wearing pink shirts and jeans on Wednesdays. Ms. Turner thanked Chief and the City for this donation and said with this money and funds from the rest of the sponsors they raised \$10,000 that paid for \$200 free mammograms for this community and 100 colon cancer test kits.

3. Sergeant Stephen Tapscott with the Apopka Police Department and Paramedic Jason Watson with the Apopka Fire Department shared their experiences during the Hurricane Michael Relief Efforts in the Panhandle.
4. Commissioner Bankson introduced Edward Houstoun, stating Mr. Houstoun has a ministry directly to Israel where he helped build bomb shelters for citizens there and schools. Mr. Houstoun presented Chief McKinley with an Israeli Police Department Jacket. He said a representative from the Israeli Police was recently here visiting and spent time with Chief McKinley.
5. Pam Richmond, Transportation Planner, gave a presentation regarding the needs at SR 429 Connector Road Interchange roadway network reviewing potential opportunities in this area and roadway needs.

MOTION by Commissioner Nolan and seconded by Commissioner Bankson to support the Mayor sending a letter to CFX. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC COMMENT – There was no public comment.

CONSENT

1. School Concurrency Mitigation Agreement for Ponkan Reserve.
2. Authorize the issuance of blanket purchase orders for Public Services.
3. Authorize the City Administrator to execute the Oversizing Agreement.
4. Authorize a contract with the Department of Corrections for an inmate work squad.

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

BUSINESS

1. Final Development Plan; Site/Subdivision Plans
Greystone Skilled Nursing Facility; and Emerson Park Tract G Replat
Project: Alston Bay Boulevard, LLC; The Residences at Emerson Park, LLC
Location: 1601 Alston Bay Boulevard

Bobby Howell, Senior Planner, provided a brief lead-in reviewing the location and surrounding land uses on an aerial map. He said the subject property was approximately 24.046 acres in size at the northeast corner of Ocoee Apopka Road and Alston Bay Boulevard. DRC and Planning Commission recommend approval.

Dustin Stevens, representing the applicant, said they agree with the staff presentation and are present to answer any questions. In response to Commissioner Becker regarding road

improvements or an agreement, Mr. Stevens advised they have an agreement in place and it has been signed by the HOA board president as of July 2018.

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 the Final Development Plan, Site/Subdivision Plans. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Replat – Chandler Estates Tracts “S” and “T”
Project: Chandler Estates Homeowners Association Inc.
Location: South side of Chandler Estates Drive

Mr. Howell reviewed the replat of Chandler Estate Tracts “S” and “T” to relocated the platted right-of-way approximately 100 feet to the west of the current location to align with a proposed new public road to the south. He reviewed the location on a map and the surrounding area. The approved Master Plan for Apopka Farms, which is now called Windward Hills provides inner connectivity between the proposed Windward Hills development and Chandler Estates subdivision. DRC and Planning Commissioner 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 Bankson to approve the Chandler Estates Replat. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2676 – Second Reading – Administrative - Comprehensive Plan – Small Scale Amendment. The City Clerk read the title as follows:

ORDINANCE NO. 2676

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 MIXED USE TO COMMERCIAL (MAX. 0.25 FAR) FOR CERTAIN REAL PROPERTY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIL AND WEST OF STATE ROUTE 429, COMPRISING 3.17 ACRES MORE OR LESS AND OWNED BY RENUKA PRASAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, 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 Smith, and seconded by Commissioner Nolan, to adopt Ordinance No. 2676. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Ordinance No. 2677 – Second Reading – Administrative - Change of Zoning
Project: Renuka Prasad - Location: North of West Orange Blossom Trail, west of S.R. 429
The City Clerk read the title as follows:

ORDINANCE NO. 2677

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” C-2 (ZIP) TO “CITY” C-2 (GENERAL COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIL AND WEST OF S.R. 429, COMPRISING 3.17 ACRES MORE OR LESS AND OWNED BY RENUKA PRASAD; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Moon advised 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. 2677. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Ordinance No. 2682 – Second Reading – Administrative - Comprehensive Plan – Small Scale Amendment. Project: Douglas and Jeri Bankson - Location: 585 East Sandpiper Street. The City Clerk read the title as follows:

ORDINANCE NO. 2682

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” LOW DENSITY RESIDENTIAL TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 585 E. SANDPIPER STREET, COMPRISING 1.92 ACRES MORE OR LESS, AND OWNED BY DOUGLAS AND JERI BANKSON; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon advised there have been no changes since the first reading.

Commissioner Bankson said he would abstain from Ordinance 2682 and 2683.

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 No. 2682. Motion carried 4-0-1 with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye. Commissioner Bankson abstained.

4. Ordinance No. 2683 – Second Reading – Administrative - Change of Zoning
Project: Douglas and Jeri Bankson - Location: 585 East Sandpiper Street
The City Clerk read the title as follows:

ORDINANCE NO. 2683

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 585 E. SANDPIPER STREET, COMPRISING 1.92 ACRES MORE OR LESS, AND OWNED BY DOUGLAS AND JERI BANKSON; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon advised 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 Smith, and seconded by Commissioner Nolan, to adopt Ordinance No. 2683. Motion carried 4-0-1 with Mayor Nelson, and Commissioners Becker, Smith, and Nolan voting aye. Commissioner Bankson abstained.

5. Ordinance No. 2684 – Second Reading – Administrative - Comprehensive Plan – Small Scale Amendment. Project: Bryan and Debbie Nelson - Location: 1157 Oakpoint Circle
The City Clerk read the title as follows:

Mayor Nelson handed the gavel over to Vice Mayor Bankson.

ORDINANCE NO. 2684

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” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL

PROPERTY LOCATED AT 1157 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY BRYAN AND DEBBIE NELSON; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Nelson said he would abstain from Ordinance 2684 and 2685.

Mr. Moon advised there have been no changes since the first reading.

Vice Mayor Bankson 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. 2684. Motion carried 4-0-1 with Commissioners Bankson, Becker, Smith, and Nolan voting aye. Mayor Nelson abstained.

6. Ordinance No. 2685 – Second Reading – Administrative - Change of Zoning
Project: Bryan and Debbie Nelson - Location: 1157 Oakpoint Circle
The City Clerk read the title as follows:

ORDINANCE NO. 2685

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1157 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY BRYAN AND DEBBIE NELSON; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Moon advised there have been no changes since the first reading.

Vice Mayor Bankson 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. 2685. Motion carried 4-0-1 with Commissioners Bankson, Becker, Smith, and Nolan voting aye. Mayor Nelson abstained.

Vice Mayor Bankson handed the gavel back to Mayor Nelson.

7. Ordinance No. 2686 – Second Reading – Administrative - Comprehensive Plan – Small Scale Amendment. Project: William D. Cook and Robyn D. Cook Revocable Trust - Location: 1163 Oakpoint Circle. The City Clerk read the title as follows:

ORDINANCE NO. 2686

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” LOW DENSITY RESIDENTIAL TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 1163 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY WILLIAM D. COOK AND ROBYN D. COOK REVOCABLE TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon advised 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 Bankson, to adopt Ordinance No. 2686. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

8. Ordinance No. 2687 – Second Reading – Administrative - Change of Zoning
Project: William D. Cook and Robyn D. Cook Revocable Trust
Location: 1163 Oakpoint Circle. The City Clerk read the title as follows:

ORDINANCE NO. 2687

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1163 OAKPOINT CIRCLE, COMPRISING 1.27 ACRES MORE OR LESS, AND OWNED BY WILLIAM D. COOK AND ROBYN D. COOK REVOCABLE TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Moon advised 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. 2687. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

9. Ordinance No. 2688 – First Reading – Administrative - Comprehensive Plan – Small Scale Amendment. Project: Carlos Verduzco - Location: 1175 Oakpoint Circle
The City Clerk read the title as follows:

ORDINANCE NO. 2688

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” LOW DENSITY RESIDENTIAL TO “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT 1175 OAKPOINT CIRCLE, COMPRISING 1.14 ACRES MORE OR LESS, AND OWNED BY CARLOS VERDUZCO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon advised 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 Smith, and seconded by Commissioner Nolan, to adopt Ordinance No. 2688. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

10. Ordinance No. 2689 - Second Reading – Administrative - Change of Zoning
Project: Carlos Verduzco - Location: 1175 Oakpoint Circle
The City Clerk read the title as follows:

ORDINANCE NO. 2689

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-CE (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATE 1 DISTRICT) FOR CERTAIN REAL PROPERTY LOCATED AT 1175 OAKPOINT CIRCLE, COMPRISING 1.14 ACRES MORE OR LESS, AND OWNED BY CARLOS VERDUZCO; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Moon advised 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 Becker, to adopt Ordinance No. 2689. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

11. Ordinance No. 2692 – Second Reading – Annexation (SR 429 Group A)
Ordinance No. 2693 – Second Reading – Annexation (SR 429 Group B)
Ordinance No. 2694 - Second Reading – Annexation (SR 429 Group C)
Ordinance No. 2695 – Second Reading – Annexation (SR 429 Group D)
Project: 429 West. The City Clerk read the four titles.

Mr. Hitt advised there had been no changes since the first reading of these ordinances.

ORDINANCE NO. 2692

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 PATRICIA AND MAXINE LU, ROGER AND RANDALL WELKER, EARL AND ADELAIDA WILSON, POUL AND SHARON JENSEN, GUY ITAY, JAMES HOWARD HOLT JUNIOR, FREDDIE AND SANDRA JONES, AND SALLIE JACKSON, AND LOCATED AS DEPICTED WITHIN EXHIBIT “A” OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to adopt Ordinance No. 2692. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

ORDINANCE NO. 2693

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 WILLIAMS FAMILY TRUST, AND BY JUDY BAIN AND WILLIAMS FAMILY TRUST AND LOCATED AS DEPICTED WITHIN EXHIBIT “A” OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Becker, and seconded by Commissioner Smith, to adopt Ordinance No. 2693. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

ORDINANCE NO. 2694

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 BRUCE AND JEANNIE HATCHER; AND ROBERT AND CYNTHIA HENDERSON AND LOCATED AS DEPICTED WITHIN EXHIBIT “A” OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to adopt Ordinance No. 2694. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

ORDINANCE NO. 2695

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 EARL AND ADELAIDA WILSON, PATRICK CONELLY, AND YONG SUN & BYUNG SOOK PAK; AND LOCATED AS DEPICTED WITHIN EXHIBIT “A” OF SAID ORDINANCE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to adopt Ordinance No. 2695. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

12. Ordinance No. 2696 – Second Reading – Annexation
Project: CHS Management Corporation - Location: 3443 Plymouth Sorrento Road, Plymouth Sorrento Road. The City Clerk read the title as follows:

ORDINANCE NO. 2696

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 CHS MANAGEMENT CORP. AND LOCATED AT
PLYMOUTH SORRENTO ROAD, PROVIDING FOR DIRECTIONS TO
THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN
EFFECTIVE DATE.**

Ms. Sanchez said there have been no changes since the first reading.

Mayor Nelson opened the meeting to a public hearing.

Deborah McLaughlin lives at 3347 Plymouth Sorrento Road and her property will be surrounded on three sides by property owned by CHS Management. She was unable to attend the last meeting due to work. She said they were not opposed to the annexation of the property, but they did oppose the future expected development of the property. She stated she did not think the owners knew what they were going to go with the property yet, but they were told there is the possibility of up to 240 residences such as townhomes or condominiums. They purchased their lot with the understanding they would be within a development of homes, each with a 2.5 acre wooded lot. She said they would have never have built here had they known it would be surrounded by hundreds of residences. She spoke last year when a nursery was proposed. She stated not all want all of this development and density the prior administration wanted to bring to the city. She said her husband owns a business and is a member of the Chamber of Commerce, their son is in the eighth grade and they do not want to move. She spoke of the animals they have seen in this area and many are protected species. She affirmed they were approached by the current owner and an offer made to purchase their property and due to the way the contract was written their attorney advised against it. They do not want to sell, but may be forced to due to the surrounding development. She asked the Council to take into consideration the long term residents.

Mr. Hitt said this was north of Ponkan, which does limit it to two units per acre, but it was not within the Form Base Code area.

Jonathan Huels, representing the owner, said Commissioner Becker was correct in that the vast majority of the property not before Council in this area is already zoned mixed-use CC, as well as this being the zoning of the McLaughlin property. This is limited in the City's current comprehensive plan that limits residential densities to two dwelling units per acre. Tonight, the only matter before Council is the annexation ordinance. If approved, the comprehensive plan and rezoning will be back before the Council next year and these considerations can be taken under advisement and discussed at that time. He did affirm that there is not a final plan for the overall parcel.

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

MOTION by Commissioner Becker, and seconded by Commissioner Smith, to adopt Ordinance No. 2696. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

13. Ordinance No. 2698 - Second Reading - Code of Ordinances - Recodification. The City Clerk read the title as follows:

ORDINANCE NO. 2698

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF APOPKA, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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 No. 2698. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

14. Ordinance No. 2697 – First Reading – Vacate – Drainage Easement
Project: Edward and Patricia Talia
Location: 2846 Sand Oak Loop – The City Clerk read the title as follows:

ORDINANCE NO. 2697

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A FIVE-FOOT WIDE PORTION OF A DRAINAGE EASEMENT LOCATED AT 2846 SAND OAK LOOP; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS AND AN EFFECTIVE DATE.

Jean Sanchez, Planner, reviewed the property location and surrounding parcels on a map. The request is to accept Ordinance No. 2697, which is to vacate a 5-foot wide portion of an existing 15-foot wide drainage easement at 2846 Sand Oak Loop. She reviewed the portion of the easement to be vacated. DRC and utility companies have no objection to the request. 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 Nolan, and seconded by Commissioner Smith to approve Ordinance No. 2697 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.

15. Ordinance No. 2701 – First Reading – Annexation
Project: Emerson Point Phase II, LLC
Location: 1900 South Hawthorne Avenue and Unimproved ROW to the north
The City Clerk read the title as follows:

ORDINANCE NO. 2701

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 EMERSON POINT PHASE II, LLC, LOCATED AT 1900 SOUTH HAWTHORNE AVENUE; AND THE UNIMPROVED PUBLIC ROAD RIGHT-OF-WAY TO THE NORTH; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Ms. Sanchez reviewed the request for annexation and advised the recommendation is to approve Ordinance No. 2701 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. 2701 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.

CITY ADMINISTRATOR'S REPORT – No Report

CITY COUNCIL REPORTS

1. Alcoholic Beverage Ordinance – Hours of Sale

Commissioner Becker said this was a continuation of discussion at the first meeting in December. The previous ordinance non-premise sales were able to start at 9:00 a.m. and the revision bumped this to 11:00 a.m. to be more in line with Orange County. His recommendation, as previously stated, was to go back to the 9:00 a.m. He read an impact statement from one of the businesses, Kat's Vine and Tap. In this statement, they stated they had a couple meeting with them regarding a pre-wedding party and if they want to have a bloody merry, punch, or mimosa before 11:00 a.m. she would have to send them to another similar venue in Winter Garden. In her statement, she declared in order to survive, she needed to book more private parties and she has partnered with a former chef from the Grand Floridian. This partnership brings in more opportunities for private parties and this issue may come up more often. Commissioner Becker said 9:00 a.m. was on the books previously and this didn't seem to create any issues.

City Attorney Shepard said if an establishment such as Blue Jeans requests to annex into the City, the City does not have to annex.

Commissioner Becker said there were not many establishments like this in the City at this time and he would not want businesses to forego coming here if our policy is too restrictive.

Mr. Hitt said the CRA District and downtown overlay was looked at as a separate entity due to a lot of the storefront churches. Distance requirements were exempted for churches in this area, but hours are the same.

Commissioner Bankson said there was an attempt to try to shift things and as he recalled, the main concern of churches was on Sundays and not all week long. Churches were removed from distance requirements completely, but the hours were moved to 11:00 a.m. all week long and this was not their intent. He suggested bringing the churches back to the 500-foot measure and keep the timing only on Sunday.

Commissioner Becker said he felt keeping the hours on the later end on Sundays was a fair compromise, but reintroducing the linear footage back in the downtown corridor becomes so restrictive this type of establishment would never be able to come into the downtown segment.

Mayor Nelson opened public comment.

Derek Ryan said he appreciates the debate and follow-up to this matter. He said many residents go to Winter Garden and Altamonte Springs. He stated he could see where Commissioner Bankson was coming from, but cautioned that at times government gets too protective and discourages the market.

Public Comment was closed.

Following discussion, the consensus was to have staff bring forward new verbiage in a proposed ordinance to allow Monday – Saturday hours from 9:00 a.m. and Sundays 11:00 a.m., including two special event functions per year that could be on a Sunday, and go back to the 500 feet for churches outside the CRA/Downtown area.

Commissioner Smith reported he had a great turnout for the ham give away and thanked everyone that helped with this, including the Fire and Police Departments.

Commissioner Bankson reported there was a bad accident at Sandpiper and Ustler. He asked that now the City is in control of the roads in this area, that they look into the safety of this area.

Commissioner Nolan said some will remember September was childhood cancer awareness month and one of the children, Silas was asking for cards at Christmas. She has received a number of cards to give to him and reported his surgery went very well. She added that the Festival of Trees went very well.

MAYOR'S REPORT

Mayor Nelson reported the Boy Scouts will be helping with the Hickerson property cleanup on January 12, 2019, and SJWMD will burn the debris and do an application of herbicide. Following this there will be over 100 trees planted in the area.

Mayor Nelson reported Coach Darlington's reception will be at the Tavern in Rock Springs Ridge on December 22, 2018.

He asked to bring forward any items for funding through the legislature.

ADJOURNMENT: There being no further business the meeting adjourned at 4:30 p.m.

Bryan Nelson, Mayor

ATTEST;

Linda F. Goff, City Clerk