

CITY OF APOPKA

Minutes of the City Council regular meeting held on December 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
Commissioner Diane Velazquez
City Administrator Edward Bass
City Attorney Michael Rodriguez

PRESS PRESENT: John Peery – The Apopka Chief

Mayor Nelson called the December 16, 2020 meeting to order at 7:00 p.m.

SPECIAL ELECTION RESULTS

Mayor Nelson announced that we have the honor of being able to swear in our newest City Commissioner, Diane Velaquez. He announced the results of the run-off election and asked for a Motion to ratify the certified election results.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to ratify the certified election results. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

Mayor Nelson then called Diane Velazquez and Ed Velazquez to the front. Ed Velazquez administered the Oath of Office to his wife, Commissioner Elect, Diane Velazquez and congratulated her.

Commissioner Diane Velazquez took her seat on the dais and thanked everyone who came out tonight and said this is an honor for her to return to the City Council and to have the privilege to work with Mayor Nelson, Commissioner Becker, Commissioner Smith and Commissioner Bankson. She said she's here to work for everyone who lives in the City of Apopka and said thank you all for coming tonight and thank you for electing me to be your Commissioner to represent you.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of November 18, 2020
2. Regular Council Meeting Minutes of December 2, 2020.

Mayor Nelson asked if anyone had any questions about any of the minutes. Hearing none, he asked for a motion to approve the two (2) sets of meeting minutes.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve the two (2) sets of meeting minutes. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

INVOCATION/PLEDGE – Commissioner Bankson provided the invocation; led in the Pledge of Allegiance and provided the Fact of the Day regarding the Boston Tea Party.

Mayor Nelson asked Commissioner Velazquez if she wanted to recognize some of her special guests.

Commissioner Velazquez said she wanted to recognize her husband, Ed Velazquez, who did the swearing in and said it was a real honor for him to do that. She also recognized County Commissioner, Christine Moore, who is now the Vice-Mayor of Orange County. She also recognized Gene Knight and Jeff Tyre, from the City of Apopka, Fire Department. She said Sue Kid and Merry Lovern were present but had to leave.

PRESENTATION

1. Sertoma Club Parade Awards

Presented by: Lorena Potter, President of Sertoma Club

Lorena Potter, said that the Sertoma Club was very honored to be able to put the Christmas Parade on this year and said it was their 44th annual Christmas Parade. She said we could not have done it without the support of the City Administration, the Police and Fire Departments, the Recreation Department, Streets and Grounds, everyone pulled together to make this happen for the City and she thanked everyone for their support.

She also thanked all of those who came out and participated in the parade and said she has awards to give out. She proceeded to announce the awards with the first being a “special recognition” award, which went to Margaret Corey and her dog Merlin. She provided the next award for the Best Band to Bishop Moore and presented the award to Tyler Rapisorda and he is their Company Command. She said the next award was for best marching and preforming, we were thrilled this year to have the Rosie-O-Grady Pipes and Drums and said they’re local and practice here at the VFW. She said they were very honored to play in their hometown parade. The next category was for best float and she said she’s happy to present this to Kings Landing Adventures. She said we have Bob Loomis and the family here to accept this award. She said that 7-11 won the award for the most creative and said their float had a giant roll of toilet paper and hand sanitizer and she provided the award to their representative. She said last but not least, best of theme went to Fast-Signs and provided the award to Charles Chamber.

Mayor Nelson thanked Lorena and said she really put a lot of effort into calling everyone she could to make sure we had a parade that was worthy of calling this the 44th Annual Apopka Parade. He asked all the recipients of these awards to come up for a group picture.

AGENDA REVIEW

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

PUBLIC COMMENT PERIOD

Ed Bowman, 1660 Cedar Glen Drive, Apopka asked a question about the school zone on Ponkan Road and said he has 4 grandkids and said one of them rides his bike to school. He said that the school zones are very short on Ponkan and asked if this is a County road or a City road?

Mayor Nelson said there are places of the road that are in the County, where we have the sidewalk but said that if it's a school issue, and you're looking to extend the school zone, perhaps it would be best to send me an email so that we can send this to the appropriate folks at OCPS and ask them to take a look at extending the school zone.

Commissioner Becker asked for clarification as related to Public Comment and asked for clarification as to the policy when people submit electronic emails and asked if we can verbalize this so we're all clear.

Michael Rodriguez stated that if someone submits something that is not on the agenda, it will be distributed to all of the Commissioners and once it's received, it becomes a Public Record. He said this has been the City's policy and said this is pursuant to the City's Resolution from 2016-16. He said one of the issues was and where we had to do some accommodations were this year was based upon Governor DeSantis's Executive Order, which allowed for local governments to conduct virtual meetings. He said that whereas the Governor suspended the requirements that there be a personal quorum for public meetings, due to the Covid-19 pandemic, in that case, the City made an accommodation to allow for individuals to submit public comments, which in this case, were read in lieu of their appearance because City Hall was closed to the Public and we were under the hybrid of a virtual meeting. He said effective November 1st, Governor DeSantis's Executive Order relating to virtual meetings expired and the Governor did not renew that Executive Order. The requirement that there be public quorums for meetings is now back in effect so we've reverted back to our standard protocol for public comment. If they submit written comments, they will become a part of the public record.

Commissioner Becker asked if someone from the Public is writing a written statement and not showing up for the meeting, there will not be an expectation that that this statement will be read aloud under any circumstances to which Mr. Rodriguez confirmed.

CONSENT (Action Item)

1. Authorize road closures and use of associated City services in support of the annual Martin Luther King Jr. parade.
2. Authorize the Police Chief to sign the new mutual aid agreement with the Orange County Sheriff's Office.
3. Authorize the Police Chief to sign the inter-local voluntary cooperation operational assistance agreement with Seminole County Sheriff's Office and other local agencies listed in the agreement.
4. Authorize the Police Chief to sign the new inter-local voluntary cooperation operational assistance agreement with Seminole County Sheriff's Office for canine (K-9) mutual aid assistance.
5. Authorize the Police Chief to sign the new municipal inter-local voluntary cooperation mutual aid agreement with Orange and Osceola County municipalities.
6. Authorize the Police Department to expend funds from the Federal Law Enforcement Trust Fund in the amount of \$2,500.00 for law enforcement challenge coins.
7. Authorize the execution of piggyback contracts for fiscal year 2020 & 2021.
8. Accept the disbursement report for November 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 eight (8) items on consent.

MOTION by Commissioner Smith, and seconded by Commissioner Velazquez, to approve the eight (8) items on Consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Major Development Plan – Jason Dwelley K-8 Relief School
Owner: Orange County Public Schools
Applicant: Klima Weeks Civil Engineering, c/o, Jay A. Klima, P.E.
Location: 4650 and 4700 Jason Dwelley Parkway
Project: 15.09 +/- acres; K-8 school
Project Manager: Bobby Howell

Bobby Howell, Planning Manager said that the applicant is requesting approval of a Major Development Plan for a 141,952 square foot K-8 school that is located at 4650 & 4700 Jason Dwelley Parkway on approximately 15.09 acres in size. He showed the location map and said the site is accessed by two access points along Jason Dwelley Parkway, which consists of one right-in-right-out, reserved for school busses and one full access point which leads to the parking lot for the parent drop off & pick up area. He said there are 145 parking spaces going into the site. He said that the DRC, Planning Commission and staff recommend approval.

Mayor Nelson said that we did have one descending vote and asked Bobby to make sure to bring this to our attention if the votes are not unanimous.

Commissioner Bankson said that concerning the signal light, he asked if there will be a diagonal signal that will be strung across that intersection.

Pam Richmond said no and asked if that was the preference and said she will check into this as if we desire the light to be strung this way, it's possible that FDOT will provide some money toward this.

Commissioner Bankson also commented on the parking and asked how that is calculated as obviously the kids don't drive.

Commissioner Becker asked about the descending vote was related to ADA compliance parking and the Planning Commission member didn't feel it was compliant to the amount of spaces that were there.

Bobby stated that this is in the Land Development Code and the amount of accessible spaces are tied to the Building Code, which implements ADA.

Jay Kilma, with Klima Weeks, Civil Engineers represents OCPS on this matter. He said he can answer any questions but said that regarding the parking spaces, basically what happens is there is a SREF requirements and is in the building code in terms of the minimum amount of parking spaces. He said that in the case of the K-8, the 150 range is where we try and be but the requirements are closer to about 110 parking spaces so this plan has substantially more than that. He said that over time and in working with the school system, they know they need a certain amount of spaces for a certain type of school.

Mayor Nelson asked about the ADA to which Mr. Klima said that the school has a plan for 6 spaces in the service area and showed the graphic of where these spaces are located. He said we're still having dialog on the angled parking issue as this is commonly the way they're laid out.

Commissioner Bankson asked about the dry ponds and asked if there is a fencing around this and asked whether there will be a fence to which Mr. Klima stated yes, we will have a chain link fence around this.

Commissioner Becker asked for additional information on the intersection and asked for clarification on this as this will be an approval level and he needs to understand why the term "standard" continues to pop up. Discussion ensued as to this language and why this may or may not be applicable.

Mayor Nelson asked if there are any other questions or if we need none, he asked for a motion to approve the Major Development Plan for the Jason Dwelley K-8 Relief School.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve Major Development Plan for the Jason Dwelley K-9 Relief School. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2791– Second Reading – PSFE text Amendment
Project: Comprehensive Plan Text Amendment: Public School Facilities Element, Policy 3.1
Project Manager: Bobby Howell

Mayor Nelson asked if there have been any changes since the first reading to which, Bobby Howell stated there are none. He then asked if there are any questions on this item or if anyone from the Public wishes to speak on this item. Hearing none, he asked for a Motion to adopt Ordinance No. 2791.

MOTION by Commissioner Becker and seconded by Commissioner Bankson to adopt Ordinance No. 2791. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

2. Ordinance No. 2798 – Second Reading – Comprehensive Plan – Small Scale Future Land Use Amendment
From: County Rural (1 DU/10AC)
To: City Industrial (Max 0.6 FAR)
Owner: Sandroni Joseph L. Estate
Applicant: Cadence Partners LLC
Location: 1132 Ocoee Apopka Road
Project: 8.76 +/- acres
Project Manager: Phil Martinez
The Clerk read the Ordinance title.

Mayor Nelson asked if there have been any changes since the first reading to which, Bobby Howell stated there are none. He then asked if there are any questions on this item or if anyone from the Public wishes to speak on this item. Hearing none, he asked for a Motion to adopt Ordinance No. 2798.

MOTION by Commissioner Velazquez and seconded by Commissioner Smith to adopt Ordinance No. 2798. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

3. Ordinance No. 2799 – Second Reading – Change of Zoning
From: T (Transitional District)
To: I-L (Light Industrial District)

Owner: Sandroni Joseph L. Estates
Applicant: Cadence Partners LLC
Location: 1132 Ocoee Apopka Road
Project: 8.76 +/- acres
Project Manager: Phil Martinez
The Clerk read the Ordinance title.

Mayor Nelson asked if there have been any changes since the first reading to which, Bobby Howell stated there are none. He then asked if there are any questions on this item or if anyone from the Public wishes to speak on this item. Hearing none, he asked for a Motion to adopt Ordinance No. 2799.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez to approve Ordinance No. 2799 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

4. Ordinance No. 2800 – Second Reading – Comprehensive Plan – Small Scale Future Land Use Amendment
From: County Industrial and City Industrial
To: City Commercial (Max. 0.25 FAR)
Owner: Mid-Florida Freezer Properties LLC
Applicant: Tara Tedrow
Location: South of W. Orange Blossom Trail and west of Lake View Drive
Project: 4.88 +/- acres
Project Manager: Bobby Howell
The Clerk read the Ordinance title.

Mayor Nelson asked if there have been any changes since the first reading to which, Bobby Howell stated there are none. He then asked if there are any questions on this item or if anyone from the Public wishes to speak on this item. Hearing none, he asked for a Motion to adopt Ordinance No. 2800.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to adopt Ordinance No. 2800. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

5. Ordinance No. 2801 – Second Reading – Change of Zoning
From: T (Transitional District) and I-L (Light Industrial District)
To: C-COR (Corridor Commercial District)
Owner: Mid-Florida Freezer Properties LLC
Applicant: Tara Tedrow
Location: South of W. Orange Blossom Trail and west of Lake View Drive
Project: 4.88 +/- acres

Project Manager: Bobby Howell
The Clerk read the Ordinance Title:

Mayor Nelson asked if there have been any changes since the first reading to which, Bobby Howell stated there are none. He then asked if there are any questions on this item or if anyone from the Public wishes to speak on this item. Hearing none, he asked for a Motion to adopt Ordinance No. 2801.

MOTION by Commissioner Smith and seconded by Commissioner Becker to adopt Ordinance No. 2801. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

6. Ordinance No. 2808 – Second Reading – Change of Zoning
From: T (Transition District)
To: RCE (Residential Country Estate)
Owner/Applicant: John and Grace Johnson
Location: 1701 Hermit Smith Road
Project: 2.52 +/- acres
Project Manager: Bobby Howell
The Clerk read the Ordinance Title:

Mayor Nelson asked if there have been any changes since the first reading to which, Bobby Howell stated there are none. He then asked if there are any questions on this item or if anyone from the Public wishes to speak on this item. Hearing none, he asked for a Motion to adopt Ordinance No. 2808.

MOTION by Commissioner Smith and seconded by Commissioner Becker to adopt Ordinance No. 2808. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

7. Resolution No. 2020-38 - FY20/21 Budget Amendment
Presented by: Jamie Roberson

Jamie Roberson, Finance Director said this amendment includes changes in revenues and appropriations for the general fund related to our retirement plans, following the provisions of Chapter 175 & 185 in which we received 2019 state premium tax money for our Fire and Police Pension Plans in FY2021. She stated that we recognized the revenue and the expenditure and sent this to the Prudential Retirement Plan Administrator. She said that once these funds are received, we are required to submit them to our retirement plans as an employer contribution. This transaction recognizes the revenue received and the associated appropriation. She said the larger portion of the budget amendment, includes changes in revenues and appropriations for FY2020 purchase order carry overs into FY2021, which are either contractual obligations or capital projects or rollover P.O.s and that totals approximately, \$9.1 million.

Commissioner Becker said this is something we do once a year as an accounting practice and said his only question would be that all of these line items on this list, already have been approved from Council and has already happened at a transitional level and asked if this is more or an accounting treatment to which Ms. Roberson confirmed.

Mayor Nelson asked if there are any other questions on this item or if anyone from the Public wishes to speak on this item. Hearing none, he asked for a Motion to adopt Resolution No. 2020-38.

MOTION by Commissioner Bankson and seconded by Commissioner Becker to adopt Resolution No. 2020-38. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez said the City is really busy and she was able to attend the Shop with a Cop night and said it was an interesting way to do it and said it went very smooth. She said it made it more enjoyable and allowed more time to interact with the students. She said she wanted to give a big kudos to Officer Jason Wiggins for putting all of this together.

Commissioner Bankson congratulated Commissioner Velazquez again and said he's looking forward to working together. He said he doesn't know if it's the Christmas season and everyone has a different focus but the emails have slowed down lately. He said it's good to have the communication from our citizens and allows us to work on and follow up on things. He wished a Merry Christmas to all.

Commissioner Smith said he too would like to again congratulate Commissioner Velazquez for her election and coming back to serve on our City Council. He said the Sertoma did an outstanding job with our Christmas parade this year and said attendance was very well received, even with the Covid. He said everyone was really excited about the bag-pipes and said he's hoping that we have those again in our parade. He said the comments from the Concert after the parade were outstanding and people were very supportive of how the social distancing squares were laid out. He said he also had the opportunity to do the Shop with a Cop for two nights and said that was also a great event. He said he's also still looking for that Deputy Chief position.

Commissioner Becker said that he will echo the congratulations and welcomed Commissioner Velazquez back. He said we don't sit next to each other any more but congratulations. He said you had an audience in here whereas ours was a more intimate setting. He said the parade was fantastic and said that Lorena mentioned a few hiccups but they weren't noticeable. He said he sent a note out to staff for a well-run event and said it's great to use and leverage that asset and said that he heard all great things. He said everyone that went had a phenomenal time. He said he feels like we need to hire the full time HR Director and said that we're at risk if we don't find someone that is fully qualified to run this department.

CITY ADMINISTRATOR REPORT

Edward Bass said he will have some updates in the January meeting and said he wanted to thank the staff for this year and said this is our last meeting of the year and wished everyone a Happy Holiday and be safe.

Commissioner Velazquez thanked Edward for accommodating her as she missed her meeting on Tuesday with him and he graciously met with her this morning so she said she appreciated all of the guidance this morning.

CITY ATTORNEY'S REPORT

Michael Rodriguez said first he wanted to welcome Commissioner Velazquez and said that as a City Attorney, he represents the City. He said his policy is an open-door policy and encouraged her to walk right in and said he's here and available for any counsel you may need. Also, he said on Friday, he received two, petitions for recognition certification from the IIAF, which is the International Association of Firefighters. He said they have filed with the State of Florida for certification of a bargaining unit. He said they have submitted two separate petitions and said they're trying to create two bargaining units. One bargaining unit is for the District Chiefs, which is only 3 persons. The second bargaining unit is for the rest of the firefighters, engineers and lieutenants. He said we're in the early stages and said we haven't received the acknowledgement yet from the State. He said he's already filed a notice of appearance on behalf of the City so that we can receive the notifications but we will proceed forward with these proceedings in the same similar vain as we've done with the Police Department, which is still ongoing.

Commissioner Becker asked at what stage does this Council get involved to which Mr. Rodriguez said that it will be not until after the Certification so once PERC completes the certification and allows them to proceed to a vote, and they vote on whether or not to become a bargaining unit, then we'll know something.

Mr. Rodriguez said that the statute provides that the City can exercise it's first amendment, meaning it ca discuss matters, speak to the proposed members and the only thing the state law prohibits is any coercion or intimidation but educational materials are permitted during the process.

MAYOR'S REPORT

Mayor Nelson congratulated Commissioner Velazquez and provided a cost of the election which were minimum including advertising costs and payment to the poll workers. He said he wanted to thank Linda Goff and said that since Susan was already a man down going into the election so rather than putting that extra burden on her, we brought Linda in to run the election for us so make sure to thank her for helping us get through this election to which Commissioner Velazquez said that both Linda and Susan were very helpful.

Mayor Nelson said he and Jeff Weatherford had a great Zoom call with the Wekiva Glen folks as far as looking at the On-Site septic tank replacement and said that six additional people were interested in converting over to this new system. He said a lot of good questions were asked and a lot of great comments and said that On-Site had the received six additional requests to get the initial inspection in order to determine whether they qualify. He said this looks very promising and this was a very positive meeting and thanked Jeff and his team as well as On-Site for their help with that.

He said the Police Department helped 105 children do the Shop with a Cop and said that the Fire Department, not to be out done, donated 14 bikes to the Apopka Middle School; 20 bikes to Apopka High School and helped over 465 families so they as well as the Apopka Police Department did a great job in helping those in need in our area.

Mayor Nelson said our folks here at City Hall and at the Annex, donated to the Angel program for the homeless kids that go to school at Apopka Memorial Middle School and thanked all of the City Employees that made some kind of contribution to the less fortunate in our Apopka area and said with that, let's all have a Merry Christmas!!

ADJOURNMENT - There being no further business the meeting adjourned at 7:57 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk