

CITY OF APOPKA

Minutes of the regular City Council meeting held on July 17, 2019, 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 Alice Nolan
City Attorney Joseph Byrd
City Administrator Edward Bass

PRESS PRESENT: John Perry, The Apopka Chief
Teresa Sargeant – The Apopka Chief
Reggie Connell – The Apopka Voice

INVOCATION: - Mayor Nelson called on Pastor Jim Schrader, Apopka Police Department Chaplain, to give the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson introduced James Curry with Boy Scout Troop 10, who led in the Pledge of Allegiance. He said in 1940, Franklin Delano Roosevelt, who first took office in 1933 as America's 32nd president, is nominated for an unprecedented third term. Roosevelt would eventually be elected to a record four terms in office, the only U.S. president to serve more than two terms.

APPROVAL OF MINUTES:

1. City Council regular meeting July 3, 2019.

MOTION by Commissioner Nolan and seconded by Commissioner Smith to approve the regular meeting minutes of July 3, 2019. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

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

PRESENTATIONS:

Mayor Nelson said Officers Lemieux, Reinhardt, and Abrigani are participating in the 50 Yard Challenge where they pledge to mow 50 yards free of charge for those who need it most. Mayor Nelson went out on Monday to mow yards with them and Channel 6 News did a story on this that was played for those in attendance.

1. Apopka Police Department awards in reference to Cedric Gant carjacking case.
US Attorney Roger Handberg, Chief of the United States Attorney's Office was here to do a joint presentation with the Federal Bureau of Investigations to recognize some of the outstanding work of some of Apopka's law enforcement officers. He advised that several years

ago the Apopka Police Department started working with the FBI with the Safe Streets Task Force. They target cases that impact communities to attempt to make these communities a safer and better place to live. Working together, they have ceased over 90 firearms, ceased over \$1 million dollars, ceased over 18 kg or cocaine, and countless pounds of methamphetamine. Their work has resulted in the prosecution of over 45 different individuals. He affirmed these are cases that have had an impact across the United States. He thanked Chief McKinley for being such a great partner on these cases. Sean Shecker, Violent Crime Prosecutor in the US Attorney's office reviewed the carjacking case of Cedric Gant and the events of that case resulting in his sentencing of 23 years in federal prison. He recognized and presented awards to the following officers involved in that case:

Special FBI Agent Andreas Cannasis

Task Force Officer of the Apopka Police Department Jose Rodriguez

Corporal Andrew Parkinson of the Apopka Police Department - not able to be present

Sergeant Steve Harmon of the Apopka Police Department

Sergeant Carlos Joseph of the Apopka Police Department

2. Decorative uplighting and fountain additions to McGee Street.

Pam Richmond, Transportation Planner, reviewed proposals of decorative uplighting and the addition of a fountain in the roundabout to be a part of the improvements to McGee Street and part of the City Center. She reviewed various photographs and some estimates for the cost of fountains and uplighting stating this would be the gateway area to the city. Ms. Richmond advised this was for informational purposes only at this time.

It was the consensus of Council to have white lighting on the palms and the option of color lighting in the fountain.

3. Capital Improvement Plans for Transportation, Water, Wastewater and Reclaim Water.

Kevin Becotte, Public Services Director provided an update on the Martin Road/ ick Road project, stating the contractor found that Duke Energy had a conduit in the middle of the road. Duke Energy will be placing a new conduit to the side of the road and expected to reconnect all wiring next week. The contractor is scheduled to have the job complete by school start. He advised the signals would come later sometime next year as the new subdivision is not ready on the opposite side.

Mr. Becotte reviewed the Capital Improvement Plan (CIP) from 2019/2020 to 2023/2024 for Reclaimed Water, Wastewater, and Water. A copy is on file in the Clerk's office.

Pam Richmond reviewed the CIP for transportation advising the list in the packet was in prioritized order. Copy on file in the Clerk's office.

Ms. Richmond reviewed the improvements to the intersection of Rock Springs Road and Welch Road that are a joint City/Orange County project. Phase 1 will be conducted in two parts. Phase 1A is currently underway and should be complete in two weeks. It includes removing the left turn lane gores on Rock Springs Road, both north and south of Welch Road. This will provide more stacking for left turns, keeping through lanes clear. The signal will be replaced with a five head signal that has a right turn green arrow. It will allow westbound right turns from Welch Road to Rock Springs Road to continue without stopping

when southbound left turns from Rock Springs Road to eastbound Welch Road have a green light. This will allow more right turns through the intersection and reduce the backup on Welch Road. Phase 1B will be evaluated to determine if it is needed following the improvements of Phase 1A. It will involve restriping westbound Welch Road to convert the through lane to a through/right turn lane and will require adding a third signal head.

PUBLIC COMMENT:

Dale Fenwick said he has been watching short-term rentals for some time. He said the registration of all rental property in the city is probably unnecessary. However, requiring owners of home sharing properties to be present during the rentals is a great idea. He stated that that in itself would solve nearly all of the problems associated with short-term vacation rentals. He pointed out that the current code prohibits renting your home for more than three times a year for less than 30-days. If your property is rented for more than 3 times for less than 30-days, it is considered a transient facility and transient facilities are prohibited in residential districts. He suggested the current code be enforced, rather than adopting a new ordinance.

CONSENT

1. Approve the Annual Traffic Signal Maintenance and Compensation Agreement with FDOT and authorize the City Administrator to execute the agreement.
2. Approve the First Amendment for the Geotechnical and Environmental Engineering Services with Universal Engineering Sciences and Terracon Consultants, Inc., and authorize the City Administrator to execute the amendments.
3. Authorize the issuance of blanket purchase orders.
4. Accept the Budget to Actual Report for quarter ending June 30, 2019.
5. Accept the June 2019 Disbursement Report.

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

BUSINESS

1. Major/Preliminary Development Plan – Alta East Shore
Project: Go Growth One, LLC, c/o Michael Kirchner, President
Location: 2001 and 2209 South Binion Road
Jean Sanchez, Planner reviewed the Preliminary Development Plan for Alta East Shore. She affirmed this was under the new Land Development Code. She said this is a mixed-use development with 285-unit multi-family residential gated community consisting of one, two, and three bedroom units, and two commercial outparcels. Access is via Harmon Road with intent of pedestrian cross access to future commercial outparcels and a right-in and right-out access proposed on Binion Road. The applicant proposes recreation areas that include a pool, cabana and dog park. Three retention ponds will be designed as amenities. There will be a 10-foot wide multi-modal recreation trail along Harmon Road. DRC and the Planning Commission recommend approval.

Bobby Wanas, Madden, Moorhead, & Stokes said he is the project planner was present to answer any questions. He advised the commercial uses have not yet been determined.

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 Becker to approve the Alta East Shore Major/Preliminary Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Smith, and Nolan voting aye.

2. Authorize the Mayor to sign the agreement with CFX for the Public Safety Communication Site.

Pam Richmond said the City of Apopka purchased a radio communications tower from Motorola to address issues the Fire and Police Departments have with radio reception. Several sites were analyzed for suitability. The site located on the south of S.R. 429 on Mt. Plymouth Road will deliver good reception and has the appropriate future land use and zoning category for a radio communication tower. CFX has offered the use of a 5-acre site that is currently covered by pine trees that will need to be removed before the communication tower can be installed. As part of the agreement, CFX will clear and prepare the site for the tower. In return, the City will pay CFX 50% of any revenue generated by leasing space on the tower.

Mayor Nelson said this was for information only at this time and no action is necessary, as it will be brought back before Council at the next meeting.

3. Recommendation of award for employee health benefits to Public Risk Management Health Trust (PRM) & approve rate allocation based on premiums presented.

Jamie Roberson, Finance Director said an evaluation committee reviewed the submitted RFP's for employee health benefits and ranked the companies utilizing evaluation criteria as outlined in the RFP. Based on the scoring, Public Risk Management Health Trust was the highest ranked. The recommendation is to award a contract to PRM for employee health benefits and approval of rate allocation based on the premiums presented.

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 award employee health benefits to PRM and accept the rate allocation for premiums. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION - None

CITY COUNCIL REPORTS

Commissioner Nolan received a yearbook from Learning Tree Academy. She had previously attended and spoke on behalf of the Council.

Commissioner Bankson reported he had a meeting with Nicole Kennedy and they are looking at the possibilities of creating solar industry to see if this was something that the City can collaborate on.

Commissioner Smith commended the staff for an outstanding July 4th event and performance.

Commissioner Becker recognized Boy Scout Troop 10 in attendance and thanked them for coming.

CITY ADMINISTRATOR'S REPORT - No report

CITY ATTORNEY'S REPORT

City Attorney Byrd said the short-term rental ordinance was very preliminary and only for the purpose of giving some idea of short term rentals. He asked for input from residents be sent to the City Administrator.

Commissioner Becker said Code Enforcement would be applicable to all property and asked how we would justify putting more burden on a rental homeowner versus an occupied property. He also asked if it is known how many properties this involved. Mr. Byrd advised this would be back before Council, that this was very premature and only to have the idea brought up for consideration at this time. He welcomed all of Council's input and questions to be sent to him.

City Attorney Byrd said he would generally not provide an update on individual motions in the midst of an ongoing litigation, but over the past few days there have been significant issues develop with regards to the City of Apopka v. NEB Group, Inc. et al. He advised that on Saturday, July 13, 2019, he learned of Mr. Sulik (or his employee) having filed a document to the Orange County Clerk of Court entitled "Response" that included more than 1,000 pages of documents. To his shock, he discovered hundreds of those pages contained Confidential Health Information of patients and were available as a public record on the Clerk of Court's website. Monday morning, July 15, 2019, he filed a second motion for emergency temporary relief to seal the record to protect the privacy of an unknown number of patients transported by Apopka EMS. He reported the Court sealed the Response until a hearing, set for July 24, 2019, where Mr. Sulik must show cause why he should not be held in contempt of the Court's order not to disclose Confidential Health Information. On July 16, 2019, the Clerk of Court posted an "Answer" of NEB that was a letter from MR. Sulk stating he could not retain Counsel and wanted to settle the suit. He claimed the City owes him \$13,000 and mistakenly believes the City is suing NEB and him for only \$15,000. Mr. Byrd advised he has written Mr. Sulik to tell him the City cannot even calculate its damages until he produced the documents sought in the discovery requests. The focus of the City's litigation at this time is documents and information. City Attorney Byrd advised he would continue to work to protect the interests of the citizens of the City of Apopka by litigating the case against NEB seeking any and all available damages and indemnification for any future penalties that may result. A copy of Mr. Byrd's memorandum to the Mayor and Commissioners, with backup, is on file in the City Clerk's office.

MAYOR'S REPORT

Mayor Nelson recognized Linda Laurendeau for her hard work in Edgewood/Greenwood Cemetery over the past three to four weeks identifying veterans buried in the city cemetery. He said she is also going to work to identify historical monuments throughout the city. Upon having all of this information, the city will put together a booklet containing this information.

Mayor Nelson reported he received a phone call last evening with Larry Kline, Jr. with 5th Hole Investments and owner of Errol property. His son, Andrew Kline is present tonight. Mayor Nelson said Larry Kline singlehandedly carried Errol Estates Golf Course and Country Club for years and

it would have never had lasted as long without his support. He said this is important to the Kline family and they know how important it is to the City of Apopka to get the golf course back up and running. The Kline Estate can confirm that Signature H is no longer the developer. A written settlement agreement exists with Signature H, but it is confidential. 5th Hole Investments intend to complete the existing project with a new developer and a redevelopment plan can now move forward without any legal complications. He said 5th Hole Investments looks forward to a good working relationship with the City of Apopka. Mayor Nelson said the city is committed to help in whatever way they can to resurrect Errol Estate Golf Course and Country Club and supports the Kline family in what they are committed to.

ADJOURNMENT: There being no further business the meeting adjourned at 9:16 p.m.

ATTEST:

Bryan Nelson, Mayor

Linda F. Goff, City Clerk