

CITY OF APOPKA

Minutes of the regular City Council meeting held on September 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: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice
Wesh News

INVOCATION: - Mayor Nelson called on Chaplain Jim Schrock, Apopka Police Department, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson introduced Emanuel Dejesus who led in the Pledge of Allegiance. He said on September 17, 1787, George Washington and James Madison signed the first U.S. Constitution at the Philadelphia Convention.

OPEN PUBLIC HEARING FOR FY18/19 BUDGET

Mayor Nelson announced that the City of Apopka City Council convenes this Public Hearing on the City of Apopka's Fiscal Year 2018-2019 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.

Mrs. Goff stated there was proof of publication of the Tax Increase Notice and the Budget Summary were advertised in the Orlando Sentinel on Sunday, September 16, 2018.

SET FINAL MILLAGE & BUDGET FOR FISCAL YEAR 2018-2019

1. Resolution No. 2018-18 - Setting the millage levy for the fiscal year 2018-2019 at 4.0376. The City Clerk read the title as follow:

RESOLUTION NO. 2018-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, SETTING THE MILLAGE LEVY FOR FISCAL YEAR 2018-2019.

Mayor Nelson said Resolution 2018-18 is setting the millage levy for the FY 2018-2019 at 4.0376 mills, which represents an increase of 12.08% over the rolled back rate of 3.6024 mills.

Edward Bass, City Administrator, provided an overview of the proposed millage rate and proposed FY 18/19 Budget. He affirmed the first Public Hearing was held on September 5, 2018, at 5:15 p.m. to set the tentative millage rate and proposed budget. This is the final Public Hearing to set the final millage rate and budget for fiscal year that begins October 1, 2018, and ends September 30, 2019. He provided highlights stating the millage rate is at 4.0376 mills per \$1,000 of assessed value, which is a .25 increase from the prior year. There were no reserves or borrowing to balance the general fund this year. As of December 31, 2018, the Red Light Camera program is eliminated in the budget. There is funding for School Resource Officers in all of the Apopka Schools funded in this budget. Other highlights include the Orange County Station 29 agreement has been executed, and the meter replacement program are included. The City received \$85,000 for the Bear Cart Grant, which has been adjusted in this budget. Also, another change is the Police Department Grant funding for \$26,757 is included in this budget. He reported some money has been redirected from the Police and Fire Impact Fees to start the process of a needs assessment for a Public Safety Facility. Funding has been included for merit increases on a scale of 1-6%. He advised the evaluation process is being reviewed to tighten down on the employee performance. Money has been included from the Recreation Impact Fees for improved and additional parking at the NW Recreation Complex. He reviewed capital improvements that have had funding included in this budget. He stated that as these funds are expended they will come before Council for approval.

Mayor Nelson opened the meeting to a public hearing.

William Gusler provided copies of spreadsheets to Council pertaining to salary and merit pay looking at a comparative to surrounding cities. He said the City of Apopka was currently 3.4% higher than the other cities in the area. He stated the initial budget for merit raises started at 3% and with contention, it went back to the 1-6% increase. He said Mr. Bass said the evaluation process was going to be reviewed to make sure employees are being evaluated properly. He said the city averaged 4.5% citywide last year and some departments averaged over 5%. He stated he did not think this was realistic. He said with the data, 3% would be reasonable and higher than surrounding entities.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve Resolution No. 2018-18, establishing Fiscal Year 2018-2019 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 12.08% from the rolled back rate of 3.6024 mills.

2. Resolution No. 2018-19 - Adopt the annual budget for fiscal year 2018-2019. The City Clerk read the title as follows:

RESOLUTION NO. 2018-19

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 2018-2019.

Mayor Nelson said the Fiscal Year 2018-2019 proposed budget for all funds is balanced at \$114,691,561. This represents a decrease of \$9,981,148 or 8.0% from the FY 2017-2018 budget.

Commissioner Becker said at the last meeting Finance Director Roberson asked Council to let her know what reports going forward. He provided some examples of reports that would allow transparency and reports could be given either monthly or quarterly that would be helpful to see the year over year broken down and to see the total deficit.

Ms. Roberson said they planned to start providing reports on a quarterly basis.

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

Call for a MOTION to adopt Resolution No. 2018-19 adopting revenues, expenditures, and fund balances for the City's Fiscal Year Budget commencing on October 1, 2018, and ending on September 30, 2019.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to adopt Resolution 2018-19 adopting FY Budget 2018-2019 commencing on October 1, 2018, and ending on September 30, 2019. 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. 2018-19, which adopts revenues, expenditures, and fund balances for the City's Fiscal Year Budget commencing on October 1, 2018 and ending September 30, 2019 balancing all funds at \$114,691,561. He stated this concludes the Public Hearing on the City of Apopka's Fiscal Year 2018-2019 Final Millage rate and Final Budget as required by Florida Statutes, Chapters 129 and 200.

CLOSE PUBLIC HEARING FOR FY18/19 BUDGET

APPROVAL OF MINUTES:

1. City Council regular meeting September 5, 2018.
2. City Council budget hearing September 5, 2018.

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

AGENDA REVIEW – City Administrator Bass advised of one change under Business. Item 4 will be moved to Item 3.

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Presentations:

1. Super Hero Award to Christian Redmon and Anthony Torres for their outstanding community efforts.

Mayor Nelson presented Christian Redmon with a “Super Hero” award for his outstanding community efforts in raising money to help his friend who has childhood cancer. He raised approximately \$800 more or less by holding a carwash, selling pizza and lemonade, and a raffle to raise money.

Mayor Nelson presented Anthony Torres with a “Super Hero” award for his outstanding community efforts in raising approximately \$800 from selling lemonade from a lemonade stand on Wekiva Springs Road to help the homeless. He purchased all the food and he and his family helped serve food to the homeless at First Baptist Church.

2. Boy Scout Troop 211: WWII Monument Marker at Kit Land Nelson Park. Project: Monument to include a brick outlay with a bronze plaque. – Withdrawn to a later date.
3. Chief McKinley recognized Captain Jerome Miller for his accomplishments in completing the FBI National Academy professional course at Quantico, VA. He said the FBI-NA is a national course of study for US and International law enforcement managers nominated by their agency head because of demonstrated leadership qualities. Participation in the Academy is by invitation only through a nomination process. Captain Miller attended Session 273 which consisted of approximately 220 law enforcement officials from around the world. Classes were offered in Intelligence Theory, Terrorism and Terrorist Mindsets, Management Science, Law, Behavioral Science, Law Enforcement Communication, and Forensic Science. In addition to academics, Captain Miller was required to participate in a demanding fitness program. Captain Miller is the first Apopka Police Officer to attend this prestigious law enforcement management training. He congratulated Captain Miller in completing this milestone in his law enforcement career.

Captain Miller thanked the Mayor, Commissioners and city staff for supporting him in his endeavor. He said he already had his information in the database prior to Chief McKinley coming to Apopka. Chief McKinley asked him if he was interested in attending the National Academy and his name was submitted for nomination. He said this was a once in a lifetime experience.

Public Comment:

Garvin Persad said he and his brother own Hi-Flo Muffler shop located in Apopka at 545 S. Orange Blossom Trail and for the past two years they have been establishing their business in Apopka. They would like to extend their business out and open a car wash under the existing awning. The prior owner conducted outdoor car repairs under this awning. They have requested a

permit for the carwash and it has not been issued. He reiterated their desire to expand their business and said they have a plan for the water retention.

Commissioner Becker said he has discussed this matter with them a few times and stated the city staff has made a notation regarding the downtown overlay district. He stated it was a broad term to the specific nature of what they are doing. They were told outdoor activity would be prohibited. He inquired how staff was classifying outdoor activity as well as indoor activity.

Mr. Hitt said they have not had any conversations since the owners spoke at the Planning Commission meeting. He said they would need to speak with the city engineer regarding retention of water.

Following discussion, Mr. Bass asked Mr. Persad to provide his contact information and staff will contact him to set up a meeting to discuss specifics with him.

Alyssa James & Catalina Sandoval, from the Apopka High School Drama Club, spoke about the Dram Club and what they try to accomplish, as well as exposing children to the arts. They do not receive any funding from the school. The Drama Club is getting ready to hold their fundraiser and requested support from the City. They left flyers with the Clerk to provide to the Mayor and Commissioners stating they hope the City will be able to offer support.

CONSENT

1. Approval of alcohol sales at the R&B Festival at Kit Land Nelson Park on September 29, 2018.

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

BUSINESS

1. Reject RFP 2018-20 Insurance: Property, Casualty, and Liability & Workers Compensation.

Mayor Nelson opened the meeting to public comment.

David Lodwick, Halifax of Century and Public Risk, spoke in support of the staff recommendation. He said they understand this is a trying time to bid this service out. He said they were able to put together a proposal that included the Florida Municipal Insurance Trust administered by the Florida League of Cities. He said their proposal represented over a 10% decrease in opposition of the 9% increase in the current budget. Their bid also did not have a provision requiring a letter from the city 45 days in advance nor a resolution or ordinance from Council. Their proposal did not have any hidden fees. He said they were here to be a resource for the City and staff to allow them to get to know the Leagues program.

Mayor Nelson advised the current provider has a buyout clause that would cost additional funds. This action gets the City to the position that they will be able to rebid next year.

No others wishing to speak, Mayor Nelson closed the public comment.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to reject all bids for RFP 2018-20 and rebid at a future date. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Memorandum of Agreement – Property Exchange

Project: St. John’s River Water Management District and the City of Apopka

Location: Off of Binion Road

Jim Hitt, Community Development Director, said this was a Memorandum of Agreement between the City of Apopka and St. John’s River Water Management District (SJRWMD). The property the City is looking to exchange is located off Lust Road and Binion Road. The property is at the entrance of the Wildlife Trail, also known as the loop. He reviewed the location on a map and said this was probably one of the best viewing areas in Central Florida for birders. He said this is an entrance feature and the Orange Audubon Society representatives is present to discuss. He explained we are looking to do a property exchange, stating this property was declared surplus in 2012 and it has to retain environmentally friendly and conscious property, which is a reflection of the property when it was provided to SJRWMD. He said the City would be stewards of the property, having worked out a 69-acre parcel with an entrance off Lust Road. Part of the exchange is the City taking over this portion and at a future date the SJRWMD may relocate their offices on a 5-acre piece of property the City owns off of Binion Road on the west side. IFAS is located nearby and the opportunity to have SJRWMD office in Apopka on the shores of Lake Apopka is something to seriously consider. He explained there are three parts to this, the Memorandum of Agreement and two options; one option is to possibly take over an additional portion of property for \$10.00. He reiterated the swap of land is the City exchanging 5-acres for 69-acres of land.

Mayor Nelson opened public comment.

Deborah Green, Orange Audubon Society, said Bird of Palooza introduced people to the Lake Apopka North Shore wildlife, which began a public movement to try to obtain access to see the wildlife. This led to the Lake Apopka Loop Trail being open by Orange County from Magnolia Park to the Pump House in 2013. The plan is for this to connect to the coast-to-coast connector trail. The Lake Apopka Wildlife Trail opened in 2015 with approximately 2,500 people going through the drive each weekend. She said there has not been a lot of advertising on the trail and most of the comments are through Facebook where some good photographers are posting. The wildlife drive is only open Friday, Saturday, Sundays, and Federal Holidays. She said the Hickerson property is to the right of the entrance to the Wildlife Drive and the SJRWMD purchased this property in the late 1990’s and they are not using it to restore Lake Apopka, so the property was been placed on the surplus list in 2012. She stated this could be a passive nature park open 7-days a week. She reviewed the surrounding parcels. The Orange Audubon Society is proposing a Gateway Birding Park, passive recreation park, immediate valuate of parking for carpooling on the drive for the three days the drive is open. This could also be utilized for parking for cycling or pedestrian entry for the drive on the days it is closed, as well as a place to be able to go birding and hiking 7-days a week. This is an upland site that several species of birds need and found on this site. Orange Audubon did a study and found over 100 species of birds. She suggested the renovation of the existing building at some point could serve various functions. Prior to

opening a passive birding park, the concrete pads from the greenhouses could be utilized for parking and would only require cleaning up of the site. Fencing and a gate would need to be installed near the entrance, bear proof trashcans, and port-o-lets would be required. She said this would be a low-level park for people to walk around and utilization of parking. They would plant bird friendly trees as well as other vegetation install benches and mowing paths. She affirmed they have a tentative plan for this and advised that a Memorandum of Understanding between Orange Audubon and the City was signed June 17, 2017. She urged Council to approve the Memorandum of Agreement with SJRWMD to accept this property exchange.

Robert Stamps said he was a 4-year resident of the area and hopes Council approves this agreement. He stated Dr. Green has pointed out the benefits to Apopka. He said more bird species have been seen on the Wildlife Drive in Apopka than at Black Point Drive at Merritt Island National Wildlife Refuge. He said there were multiple economic benefits to Apopka with more people coming to this park and they will make purchases while here. The citizens will have a very unique park not seen any place else that will be free and provide access to the Lake Apopka Loop Trail, Wildlife Drive, and to this 69-acre passive park. Another potential is concerning the Director of IFAS sending a letter to the Executive Director of the SJRWMD about doing some cooperative programs and work.

Steve Coleman said he was here to speak on behalf of the Gateway Birding Park proposal. He stated it is his hope Council would approve and proceed with this proposal and by doing this Apopka will make an unprecedented statement in eco-tourism. This very action would put Apopka on the map as a destination for anyone living in or visiting Central Florida. He said the best part is that this is free for families to come, explore, learn, and get away for a few hours. He stated he has learned so much about Lake Apopka and its wildlife since coming to the Wildlife Drive. The Gateway Birding Park will be the next step in the evolution of Apopka's rise and commitment to something that is unique, different, and the only one of its kind in Central Florida. He said he comes to the drive every weekend to capture the landscape, gators, bald eagles, and sunsets in photographs. He spoke of many people he has met from all over while at the Wildlife Drive. He declared the Gateway Birding Park would attract hundreds of birders from all over the world to come visit and spend money in Apopka.

Commissioner Becker said the photographs of sunsets and wildlife Steve takes are amazing. He thanked Steve for his comments.

Commissioner Bankson said Dr. Green mentioned 2,500 visitors a week and that is 130,000 a year. He stated that could grow and bring business and interest to Apopka.

Commissioner Nolan said we are very fortunate that we have the Wildlife Drive. She stated her family was recently out there and spoke of the people that were there enjoying the area. She would like to see more education for this area.

Commissioner Smith said being an Agriculturist, this is his ideal that we have something no one else has to be able to enjoy and give citizens a different aspect of nature. He stated he fully supports this idea of the project.

Mayor Nelson said for Apopka to be able to have the SJRWMD Service Center there would make this a win-win. He stated Fred Brummer brought on the Bird of Palooza and got it started. They were not able to hold it last year due to the dikes being compromised from the storm. He affirmed that two years ago we were in the top 10 of birding destinations.

MOTION by Commissioner Nolan and seconded by Commissioner Smith to approve the Memorandum of Agreement as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

Mr. Hitt complimented the Audubon Society stating that Dr. Green has been out there tirelessly planting different trees and putting a lot into this based on our Memorandum of Understanding with the Orlando Audubon Society.

3. Final Development Plan – Apopka Medical Office
Project: Urgent Care Developers of Apopka, LLC
Location: 1520 West Orange Blossom Trail

Jean Sanchez, Planner, provided an overview of the Apopka Medical Office Final Development Plan. She reviewed the location on a map and showed the surrounding land uses. She advised only a portion of this area is proposed to be developed at this time. The total area is approximately 4.5 acres and the applicant intends to replat the parcels and form lots 1 and 2. Approximately a 5,300 square foot building will be developed for this use. The stormwater will be located on the southern portion of the site that may later be incorporated into a master stormwater pond jointly used by the entire development. There will be 26 parking spaces will be provided, of which two are handicap accessible. This project will have right in right out only access to U.S. 441. She reviewed the landscape plan. The DRC recommends approval. The Planning Commission recommends approval subject to the findings of the staff report. The recommendation is to approve the Apopka Medical Office Final Development Plan subject to the findings of the staff report.

Commissioner Becker said this was less than half a mile from the developments they reviewed at the last meeting in terms of the lack of a right turn lane into the property.

Ms. Sanchez said the Transportation Planner as well as the project engineer and applicant are in contact with FDOT in terms of the right turn lane.

Selby Weeks, Engineer for the project said the staff report has been reviewed and they agree with the conditions. He stated the City and the applicant have reached out to FDOT regarding the right turn lane. They are in the permitting process on the driveway and they anticipate a right turn lane will not be required on this first phase of the project. The trips generated do not warrant a right turn lane for this project, but as it develops out, a right turn lane is more of a possibility.

Pam Richmond, Transportation Planner, said this is a valid point, but with a traffic analysis, there are certain boundaries they have to stay within, one being that they can require a traffic study if the project generates less than 400 trips. In this case, they did not due to knowing more development is coming. She stated when they do that traffic study they will do an accumulative study for the site. She declared with regards to a right turn lane, they are at the

mercy of FDOT on a road that they have jurisdiction. She advised FDOT has been asked to please consider the safety with regards to a right turn lane for this area.

Mr. Weeks said as this site is developed, it may have a higher number of trips generated and they will be back before Council with another plan and DOT will look at the site accumulatively. At that time the developer may be required to put in a right turn lane.

Mayor Nelson opened the meeting to public comment. No one wishing to speak he closed the public comment.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to approve the Final Development Plan for Apopka Medical Office Building. Motion carried 4-1 with Mayor Nelson, and Commissioners Bankson, Smith, and Nolan voting aye, and Commissioner Becker voting nay.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Resolution No. 2018-17 – Land Dedication for Public Right-of-Way
Project: The Coca-Cola Company
Location: Grand Avian Parkway. The City Clerk read the title as follows:

RESOLUTION 2018-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ACCEPTING A QUIT CLAIM DEED FROM THE COCA-COLA COMPANY FOR REAL PROPERTY; DIRECTING THE CITY CLERK OR DESIGNEE TO RECORD THE EXECUTED DEED IN THE PUBLIC RECORDS OF ORANGE COUNTY, AND PAY ALL FEES NECESSARY TO EFFECTUATE SUCH RECORDATION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

David Moon, Planning Manager, said this resolution is for City Council to accept a 30-foot wide tract of land owned by the Coca-Cola Company. The site is located on the east side of a 30-acre piece of property owned by Coca-Cola. This dedication of land will allow improved road access to the Coca-Cola property, as well as allow Grand Avian Parkway to contain an 80-foot wide right-of-way in lieu of 50-feet, allowing room for a two-lane divided street with a landscape or grass median and a multi-use trail and sidewalk on opposite sides of the street. DRC recommends acceptance of the land dedication.

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 from Commissioner Smith to approve Resolution 2018-17, accepting a Quit Claim deed from Coca-Cola for the donation of said property. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Ordinance No. 2618 – Second Reading – Comprehensive Plan Amendment – Large Scale –

Project: Orlando Beltway Associates
Location: West & East of S.R. 429, north of Kelly Park Road. The City Clerk read the title as follows:

ORDINANCE NO. 2618

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” RURAL RESIDENTIAL DISTRICT TO “CITY” MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PLYMOUTH SORRENTO ROAD AND EAST OF EFFIE DRIVE, OWNED BY ORLANDO BELTWAY ASSOCIATES; COMPRISING 107.5 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, 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 Bankson, and seconded by Commissioner Nolan to adopt Ordinance No. 2618. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Ordinance No. 2658 – Second Reading – Comprehensive Plan Amendment – Large Scale – Legislative Project: Eagles Landing at Ocoee, LLC
Location: South of Peterson Road, West of SR 429. The City Clerk read the title as follows:

ORDINANCE NO. 2658

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 AND AGRICULTURE TO INDUSTRIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF PETERSON ROAD AND WEST OF STATE ROAD 429, OWNED BY EAGLES LANDING AT OCOEE, LLC; COMPRISING 37.4 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner, 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, seconded by Commissioner Bankson to adopt Ordinance No. 2658. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Ordinance No. 2659 – Second Reading - Comp Plan – Large Scale – Kelly Park Reserve
Project: Min Sun Cho, Hong Sik and Deok Hwa Kim
Location: 4068, 4046, & 4022 Plymouth Sorrento Road. The City Clerk read the title as follows:

ORDINANCE NO. 2659

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 VERY LOW SUBURBAN TO MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PLYMOUTH SORRENTO ROAD AND NORTH OF APPY LANE, OWNED BY MIN SUN CHOE , HONG SIK KIM & DEOK HWA KIM; COMPRISING 20 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez 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, seconded by Commissioner Nolan to adopt Ordinance No. 2659. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

5. Ordinance No. 2671 – Second Reading - PUD Master Plan Amendment – Avian Pointe
Project: Apopka Clear Lake Investments, LLC
Location: East side of SR 429, north of Lust Road. The City Clerk read the title as follows:

ORDINANCE NO. 2671

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE 2292, WHICH AMENDS THE ADOPTED “AVIAN POINTE PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN” FOR CERTAIN REAL PROPERTY LOCATED NORTH OF LUST ROAD AND EAST OF SR 429, COMPRISING 127.21 ACRES MORE OR LESS; OWNED BY APOPKA CLEAR LAKE INVESTMENTS, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Moon advised there have been no changes to the Ordinance. City Council is requested to take two actions, one is to adopt Ordinance No. 2671 and the second is to approve the Development Agreement related to the development site. He advised the developer is present to answer any questions by Council and he finds the agreement acceptable.

Mayor Nelson opened the meeting to a public hearing.

Derek Ryan lives on Petersen Road and expressed concerns regarding traffic and safety of equipment and trucks traveling in the area of King Street and Petersen Road. He said that Florida Cactus sells their succulents retail, so there is also a lot of smaller vehicle traffic. He stated the road was not wide enough for two-lane traffic to safely pass each other and trucks must swing wide to go around the 90-degree curve, which is also a blind curve.

Commissioner Bankson inquired if the reason the curve is a blind curve was due to overgrowth, to which Mr. Ryan responded in the affirmative.

Mr. Moon affirmed staff has been aware of the situation on Petersen Road and King Street since Mr. Bombeeck began planning this site. He stated it is likely that Petersen Road from King Street to the project entrance will require some type of improvement. He affirmed there was sufficient right-of-way on both streets.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Becker to adopt Ordinance No. 2671. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

MOTION by Commissioner Smith and seconded by Commissioner Nolan to approve the Development Agreement for Avian Pointe. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

6. Ordinance No. 2672 – Second Reading - “MEDTech Campus Overlay District”
Project: City of Apopka – Kelly Park Interchange Form-Based Code Amendment. The City Clerk read the title as follows:

ORDINANCE NO. 2672

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE KELLY PARK INTERCHANGE FORM BASED CODE BY CREATING A NEW OVERLAY DISTRICT ENTITLED “MEDTECH CAMPUS OVERLAY DISTRICT”, PROVIDING FOR DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

Jim Hitt, Community Development Director, said suggested revisions were made to the definition of technology.

Commissioner Becker asked if they were trying to isolate technology to more hardware, to which Mr. Hitt responded in the negative. The consensus was to add verbiage to include

“production or research of advance or sophisticated devices or software technologies in the field of electronics, robotics, ...”.

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. 2672 with the revised verbiage as suggested. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

7. Ordinance No. 2674 – Second Reading – 2018 Annexation Cycle 4 – Parcel
Project: City of Apopka
Location: East side of North Hiawassee Road, south of US 441. The City Clerk read the title as follows:

ORDINANCE NO. 2674

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO CHAPTER 171.044, FLORIDA STATUTES THE HERINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY FLORIDA, OWNED BY THE CITY OF APOPKA; AND LOCATED ON THE EAST SIDE OF N HIAWASSEE ROAD AND SOUTH OF US 441/ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Pam Richmond, Senior Planner, 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 Nolan, and seconded by Commissioner Bankson to adopt Ordinance No. 2674. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

8. Ordinance No. 2675 – Second Reading – 2018 Annexation Cycle 4 – Road Right-of-Ways
Project: Orange County
Locations: North Hiawassee Road, Lust Road, East Votaw Road, North Christiana Avenue, South Christiana Avenue, Vick Road, West Martin Street, E Nancy Lee Lane, and W Nancy Lee Lane. The City Clerk read the title as follows:

ORDINANCE NO. 2675

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

PUBLIC RIGHTS-OF-WAY KNOWN AS NORTH HIAWASSEE ROAD, LUST ROAD, EAST VOTAW ROAD, NORTH CHRISTIANA AVENUE, SOUTH CHRISTIANA AVENUE, VICK ROAD, WEST MARTIN STREET, EAST NANCY LEE LANE, AND WEST NANCY LEE LANE, SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, AND COMPRISED OF APPROXIMATELY 16.341 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILTY, CONFLICTS, AND AN EFFECTIVE DATE.

Ms. Richmond 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 Becker to adopt Ordinance No. 2675. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

9. Ordinance No. 2673 – First Reading – Land Development Code Amendment
Project: City of Apopka – Article V, Section 5.05.00 – Floodplains. The City Clerk read the title as follows:

ORDINANCE NO. 2673

AN ORDINANCE BY THE APOPKA CITY COUNCIL AMENDING THE APOPKA CODE OF ORDINANCES TO REPEAL LAND DEVELOPMENT CODE SECTION 5.05.00 FLOODPLAINS; TO ADOPT A NEW SECTION 5.05.00; TO AMEND LAND DEVELOPMENT CODE SECTION 1.09.13 DEFINITIONS; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; SEVERABILITY, AND AN EFFECTIVE DATE

Richard Earp, City Engineer, said in order for the City to maintain compliance with the minimum requirements of FEMA National Flood Insurance program, revisions to the floodplain ordinance and associated floodplain elements of the Land Development Code are required. He stated he worked with FEMA to develop these code revisions as required by the Florida Division of Emergency Management and FEMA. The language addresses the consistency issues between our definitions for Floodplain Administrator and other definitions with the Florida Building Code and FEMA minimum requirements. He said the only change not required by FEMA was the increase of a home 2-feet above floodplain elevation. This allows the City to continue additional FEMA community rating system credits and discounts for residents with flood insurance. The recommendation is to approve at first reading and carry 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 Becker to approve Ordinance No. 2673 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.

10. Ordinance No. 2679 – First Reading – Comprehensive Plan Amendment
Project: City of Apopka - Capital Improvements Element – Recreation Improvements. The City Clerk read the title as follows:

ORDINANCE NO. 2679

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA INCORPORATING AN AMENDMENT TO THE CITY'S FIVE YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon said this was the first reading amending the Capital Improvement Element of the Comprehensive Plan to include playground improvements at Kit Land Nelson Park and the NW Recreation Area to be eligible for the grant.

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. 2679 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 COUNCIL REPORTS

Commissioner Nolan thanked staff for constantly looking for grants to improve the City.

Commissioner Bankson said a representative from Israel will be here next month and he would like to work with staff regarding partnering on bringing jobs to our area and headquartering here. He said when he makes the trip to Israel he wants to represent for the City and look at partnering and sister cities.

Commissioner Smith said he attended, as well as Commissioner Becker, the event this weekend regarding Childhood Cancer Awareness and it was an outstanding event. He commended City staff for the lights out front of City Hall.

MAYOR'S REPORT

1. Billie Dean Building.

Mr. Bass said he met with Commissioner Dean and they came to a resolution of rather than naming a road after him, he is honored and satisfied with having his name on the new community center at Alonzo Williams Park.

2. UCF Incubator Building located at Park Ave. and 5th Street. Mayor Nelson said Mr. Hitt was going to lead a discussion on the property at Park Avenue and 5th Street. Mr. Hitt said this property is for sale and has been for sale for approximately a year. He stated the building was a little over 20,000 square feet with five units currently in the building. He said the interior could be easily changed. It is block construction built in 1953. The City has an opportunity to purchase the building that was originally put on the market for \$1.2 million and the real estate agent came in to discuss the plans for the downtown and discussed the opportunity for this in terms of development. The property was recently reduced to \$850,000. He said when Council discussed relocating the UCF Incubator; they talked about finding a more permanent home for it. He said the Chamber of Commerce also needs a larger facility and this would be an opportunity for these entities sharing the space of this building with an opportunity to expand spaces for businesses that go through the incubator to stay and pay rent for the space. He stated the City would have to determine funding if they decide to move on this opportunity.

Commissioner Becker said this was intriguing for the land, versus the building itself. He felt it would be a miss to exploit that location and use it for the incubator and chamber. In terms of making the area, an attractive space to tie in with the west development of Station Street makes that area a natural progression from there on to the City Center.

Mayor Nelson said this property is available and the City has land we are selling. He stated there is a possibility for funding available up to 80% for improvements of the UCF Incubator if located there.

Commissioner Nolan said this was a prime location for the private sector, but she did not see moving the incubator there or the City owning this property. She stated there were other areas they need to focus on more rather than spending money on this.

Commissioner Bankson said this would put the City in the position to help develop and have more control of what is developed. He mentioned the condition of the roof and said there would need to be inspections of the building.

Commissioner Smith said he felt it was a good idea for the City to purchase the property and have control of what types of businesses they would like to see there. He stated he looked at this as an investment and an opportunity to make more money to fill some of the gaps.

Commissioner Becker said if looking at this as just that building alone, he could see those points. He stated with the RFP for Station Street and tying in the other city owned properties, it is all ties in together and makes that bundle more attractive to a potential developer.

Commissioner Bankson said in regards to timing, it is a larger ticket item and the City can approach how to fund and finance this in a different way than smaller items. He stated interest rates were historically low now and it would be making an investment that will pay off longer in the end.

Mr. Bass said financing options would be utilizing proceeds from property the city sells and invest those in this capital. Another option would be to finance, or take from reserves. The reserves would be replenished when the property is sold.

Mayor Nelson said the next step would be to look into having an appraisal done if the Council is interested in moving on this.

Mr. Hitt said he had funds in his budget that would cover an appraisal and building inspection.

Commissioner Smith asked if the owner could sale this property while the City obtains an appraisal.

City Attorney Shepard said the owner could sale the property, unless the City puts it under an option contract to give them time, but the City would pay for the option. He explained the City could enter in to a contract for a specified amount and have it contingent on certain things such as the appraisal and inspection so that if anything comes back problematic, the City would then get their deposit money back, but they would pay for the time it is off the market as negotiated. He spoke of the City being able to control the palate being critical when discussing redevelopment and pointed out this is in the CRA.

Commissioner Nolan said she felt the City should have the money before going down this road.

Commissioner Bankson reiterated he would not want to purchase something without knowing what condition it is in.

Mayor Nelson suggested an option of \$10,000 and a purchase price of \$800,000 with all the conditions that go with it including a sound roof, appraised value of \$800,000 or more. If the appraisal does not come back, then we would not be out anything.

Mr. Hitt said he could ask for a 2-3 week grace period without doing an option, and if not, then move forward with an option.

MOTION by Commissioner Smith to allow Mr. Hitt to speak with the property owner to allow a three-week grace period to get the property inspected and appraised and if the owner does not agree to the grace period, and offer an option up to \$10,000 deposit to allow time to inspect the building and have an appraisal done with an offer of \$800,000. Motion failed due to lack of a second.

Discussion ensued regarding the building and what to utilize it for; whether to immediately put it on the market for development, or utilize for the Incubator and Chamber. It was determined this would be a matter to determine at a later time.

MOTION by Commissioner Smith, and seconded by Commissioner Becker to allow for an appraisal to be done and ask for a three week grace period to get it done. Motion

carried 4-1 with Mayor Nelson, and Commissioners Bankson, Becker, and Smith voting aye and Commissioner Nolan voting nay.

Mayor Nelson reported that Rotarian Gary Kreisler's company, Clancy & Theys, is working with the Mason Lodge to get the wood repaired and painting of the lodge. Home Depot has offered all supplies to help with these improvements.

Mayor Nelson reported the total taken in for the Splash Pad to date is \$4,289. This has paid for the chemicals and staff. He announced that Porkie's purchased 200 tickets to give away to patrons that come in with children.

Mr. Bass said we were hearing complaints regarding the mowing of the golf course at Errol Estates and Rock Springs Ridge. He advised both owners have been contacted and they have started mowing. The City has requested schedules from both parties.

ADJOURNMENT: There being no further business the meeting adjourned at 10:21 p.m.

_____/s/_____
Bryan Nelson, Mayor

ATTEST;

_____/s/_____
Linda F. Goff, City Clerk