

CITY OF APOPKA

Minutes of the regular City Council meeting held on July 18, 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

INVOCATION: - Mayor Nelson called on Pastor Harvey Carpenter of Journey Christian Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson introduced Katherine Mays, Apopka Youth Works, and incoming Senior at Apopka High School, who led the Pledge of Allegiance. Katherine said the design for our current US Flag was designed by a 17 year old boy from the City of Saginaw, Michigan, whose name is Robert G. Heft. Heft attended a high school in Lancaster, Ohio, where he was tasked with a school project which drove his design for the flag. Heft's teacher, Stanley Pratt, awarded him only a B- for his design, as he described it as "mediocre." However, Heft was dissatisfied with this feedback and offered Mr. Pratt a deal. Heft offered up the agreement that if the flag was made the official flag of the United States by congress, then he would get a better grade for the project. Just by chance, it happened, out of over 1,500 designs reviewed by President Dwight D. Eisenhower himself, Heft's design was chosen to be the official flag of the United States. To this day, Heft's design remains current, and as for Mr. Pratt, he changed Heft's grade to an A.

APPROVAL OF MINUTES:

1. City Council workshop June 6, 2018.
2. City Council regular meeting June 20, 2018.
3. City Council budget workshop meeting July 5, 2018.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve the minutes of June 6, 2018 workshop, June 20, 2018, and July 5, 2018 workshop. 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.

Commissioner Becker recognized Boy Scouts from Troop 211 and Troop 10. He stated they are present to be a part of the process and work on their Citizenship in the Community and Communications merit badges. He thanked them for attending.

CONSENT

1. Approve the disposal of surplus equipment/property.
2. Accept and update signatories with Iberia Bank.
3. Accept and update signatories with Florida Community Bank.
4. Award a contract for road improvements on Vick Road & West Martin Street.
5. Award a contract for construction of a potable water system extension on Stutzmans Court.
6. Award a contract to Big Span Structures for the canopy replacement of the Apopka Amphitheater.
7. Authorize the purchase of a new standby generator for the Mt Plymouth Lakes Water Plant
8. Approve a contract extension for FYE 2018 audit services with Moore Stephens Lovelace, P.A.
9. Accept a Florida Recreation Development Assistance Program grant for the Apopka Athletic Complex.
10. Authorize the presentation of a Service Weapon.

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

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Steve Harmon said he was here with regards to the FY 18/19 Budget and the possibility of going from 6% to 3% employee merit raises. He recognized many from the Police Department were present and they would like the ability to make up to a 6% raise. He added there was no guarantee of the 6% as this was based on merit through an evaluation process. He expressed concerns that if it is reduced to 3% that it will be hard to bring it back up. He stated they were trying to get new officers to come to Apopka and if they see there is only a 3% raise, there is a better chance of their going to another agency, as well as officers on the force with experience leaving to go to another agency with better raises. He also spoke of red light cameras, stating they were a good way to bring in income as well as being a safety matter. He advised that red light camera tickets were not issued on a right turn on red unless the speed is 13 mph or more. He stated the cameras are also utilized to review video of accidents, and robberies have also been solved with cameras.

Nathan Tuck said he and his wife recently purchased a home in Apopka, as his wife's immediate family and extended family live here. He stated they recognize the path of growth the city is on and want to be a part of that. He applied to the Apopka Police Department and was hired in March. He came here from a neighboring jurisdiction where he had worked for six years. He wanted to work where he lived and came to the Apopka Police Department because of their reputation of taking care of employees as far as raises and retirement. He advised he took an \$8,000 cut in pay to come here and asked that Council reconsider this matter.

Sam Anderson said he was also here to discuss the proposed 50% reduction in employee merit increases and the affects it may have on the quality of police service. He said the 3% increase may seem generous, but it was not nearly enough to offset all the ways in which the police officers are short changed. He declared that the Apopka Police Department does not get overtime until they reach 11 hours, there is no call out minimum or court minimum, no shift differential, no bilingual incentive, no dry cleaning allowance, no field training officer incentive, no on call pay which is a direct violation of city personnel regulations, and stated they have had no change in proficiency pay since contract negotiations in the early 1990's. He said Apopka is the second largest city in Orange County and all of these factors combined would all but destroy efforts to recruit and retain quality law enforcement officers. He spoke of the dangers they face every day.

Sheriff Kevin Beary spoke against the decrease in the merit raises from 6% to 3% on behalf of the Police Department and Fire Department. He spoke of officers being murdered across the states and the dangers they face. He declared this is not where they need to cut. He stated the Sheriff's Department lost hundreds of deputies when they did not do pay raises over a couple of years. He stated Orange County firefighters will leave to go to places like Apopka and other municipalities because they have better benefits. He stated there is a lot of growth coming this way and the first responders need to be taken care of.

Derek Ryan said he lives on Petersen Road which is connected to King Street that was recently annexed. He inquired if there was any intention of mowing this area. He stated he was in the landscape maintenance industry and has been supplementing this area. He said he was appointed on Friday by the Orange Soil and Water Conservation District as an associate supervisor. He is on the board and said he appreciated letters of recommendation. He is still running for that position and will be on the ballot in November. He is Chairman of the Libertarian Party of Orange County and will oppose 100% of the time government cameras pointing at people. He stated he was sorry there was a budget deficit in the City of Apopka, but he hopes the Board will follow suit with campaign promises and not continue the contract with red light cameras in Apopka.

Commissioner Nolan said she appreciates the Police Department coming out and voicing their opinions. She said Council has spent many hours going over the budget and have met with department heads on reductions. She stated it is not their intention for APD to carry this and if the millage rate is increased it will also be on the tax payers. She declared it is not the intention to keep this at 3% and they are working in every way to bring it up.

Commissioner Becker said what the first responders do for the city is invaluable. He stated the budget is not approved yet. The proposed millage rate is on the agenda for this evening. He said there was an opportunity to hold another budget workshop.

In response to Commissioner Bankson inquiring as to the disparity between the 3% cap versus a 6% cap, City Administrator Bass that overall it was about \$250,000 overall for each percent. He advised that based on the merit, an employee can receive anywhere from 1% to a 6% increase. He advised it tends to be on the higher end of the scale, so they need to be cautious when budgeting for this.

Commissioner Smith said they value the first responders, but they value all employees and he did not want to see employees treated differently.

Discussion ensued regarding a difference on policy and percentage of merit based on hazard of first responders.

Mayor Nelson asked Mr. Bass to come back with an average over the last three years for each department. He said it is important to have the salary survey done, but it is in next fiscal year budget.

Commissioner Bankson suggested a new policy be established that does take into account a hazard of first responders as another category that gives room for this consideration. He said this did not take away from others, but provides an opportunity for this consideration. He reiterated it was no one's thought that this be a permanent situation.

MILLAGE RATE (Action Item)

1. Approve and set the FY 2018-2019 proposed millage rate.

Edward Bass, City Administrator, said the City Council held a Budget workshop on July 5, 2018, to review the proposed FY 18/19 Budget. He stated no one want to raise the millage rates and no one wants to take cuts to the budget. He said the city has great employees that work hard every day, stating the budget is a work in progress. He advised he did have some good news, in that they had budgeted conservatively with regards to the state funds and they have found additional revenues. He affirmed at the workshop they discussed the budget being out of balance by more than \$700,000. They discussed setting the proposed millage rate at .5 mills above the current rate. He added that the proposed millage rate can always come down, but it is very difficult to raise it.

MOTION by Commissioner Becker, Seconded by Commissioner Smith to set the proposed millage rate at .5 mills above the current rate. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

Mayor Nelson said in accordance with the Truth and Millage (TRIM) requirements, the City must set a proposed millage rate and advise the property appraiser of the proposed millage rate, roll back rate, date, time, and place of the tentative budget hearing. The proposed millage rate is 4.2876 which represents a 19.02% increase over the roll back millage rate of 3.6024. The tentative Budget hearing is scheduled for Wednesday, September 5, 2018, at 5:15 p.m. in the Council Chambers.

BUSINESS

1. Approve the Kit Land Nelson Splash Pad Fee Structure.

Lorena Potter, Recreation Manager, said the Splash Pad was coming along and they anticipate it will be open early August. She surveyed surrounding areas with regards to entrance fees and proposed a fee of \$2.00 for all ages, and a seasonal pass for \$20.00 for residents only. She said for a two hour private party after hours, it would be a \$200 fee and this includes two attendants.

Commissioner Becker suggested a nonresident rate of \$250 and resident rate of \$150 for private parties

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson to set the Splash Pad fee structure at \$2.00, \$20.00 season pass for residents only, and 2-hour private party at \$150 resident rate and \$250 nonresident rate. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

2. Approve a contract with CH2M Hill for extended assistance with the Alonzo Williams Community Center.

Mr. Bass said in November 2015, CH2M Hill was contracted with to provide design and engineering services for the construction of a new community center at Alonzo Williams Park. The three bids that were received were well over the cost budgeted for this project. In February 2018, the bids were rejected and staff started looking at another course of action. It is recommended to contract with CH2M Hill to provide a new estimate and have them work through the questions and construction of the community center. He advised this will go out to bid again. He advised the contracted cost will be approximately \$35,000 and this amount is from Recreation's current budget. He advised the original estimate was set at \$740,000 and the bids came in high anywhere from \$1.2 to \$1.4. He said the request is to approve CH2M Hill as an evaluated source based on their previous contracted involvement, and funding for them to provide additional engineering services for the Alonzo Williams Park Community Center. He advised this is time sensitive due to the CDBG funding.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve CH2M Hill as an evaluated source, and funding for CH2M Hill to provide additional engineering services for the Alonzo Williams Park Community Center. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

3. Final Development Plan – Dollar General Store

Project: Lloyd Lee, Mobley Mattie Life Estate; Nathan Jerome Shaw, Sr.

Location: 51 & 57 E. Michael Gladden Blvd. and W. 9th St.

Jean Sanchez, Planner, provided a lead-in for the Final Development Plan, Dollar General Store at E. Michael Gladden Boulevard and W 9th Street. She reviewed the location on a map and showed the surrounding land-uses on an aerial map. She reviewed renderings showing the elevations. The Planning Commission and DRC recommends approval.

Commissioner Becker said they had received a petition from an affected applicant that was already approved by Council in terms of a similar neighborhood market that will be 100 feet away from this property. He stated this being quasi-judicial, he knows they cannot consider the fact the petitioners operation is already approved in terms of plan and permit. He said he can focus on the traffic study that was provided for this project. He said this area is problematic and asked if the new neighborhood market going in was factored in to their traffic study.

Jeremy Anderson, representing the applicant, said he can discuss the architecture of the building, the use and why it fits the zoning and the CRA area. He stated the concern related to Dollar type stores, they are similar to uses like a Walgreen's, CVS, or a gas station. He said this is a smaller store and it is 7,500 square feet. He declared this is considered more of a neighborhood type of retail store. He called on the traffic consultant to respond to questions.

Mohammed Abdallah, Traffic and Mobility Consultants, advised they did not study the additional new market, nor was it specifically factored in to this study.

Commissioner Becker referred to the paragraph in the Traffic Analysis referencing Table 3 and stating the proposed Dollar General development will not adversely impact the transportation network or add any traffic to the eastbound movement and that the project traffic is less than 1% of the total peak hour traffic through the intersection. He stressed that he disagreed with this statement in the traffic study.

Mr. Abdallah said with regards to the traffic being added to the eastbound movement, the way the access plan on the site, if coming from the west, heading east, the left turn would be made going into this site prior to getting to the intersection, so you are not adding delay at that stop sign. He said there would be added traffic on Park, but not at the stop sign.

Commissioner Smith asked for clarification on the statement of this not impacting the area or canvass the other neighborhood stores and it would be drawing on a smaller market.

Mr. Anderson explained that he was speaking about the comment made on the oversaturation of dollar stores in the City of Apopka. He advised he was not referring to a store that might be next door. He stated the proposed use is a permitted use and in line with the city's vision both for the future land use as well as the zoning classification. It is below the maximum floor area ratio permitted there for this use, and they feel it is in line for the vision of this corridor. He affirmed this is an infill development on a vacant, commercially zoned property in the City of Apopka. He stated they feel this is a great use for the area.

Mr. Anderson responded in the affirmative to Mayor Nelson inquiring if they carry perishables. Mayor Nelson suggested this would take some traffic off the road by not having to travel so far to purchase these items. Mr. Anderson said with density such as this, buildings are put on the street for the pedestrian customer and these stores cater to the local customer.

Commissioner Becker wanted to place in the record that Mr. Jun Kim had presented a petition to the Commissioners with regards to this development. He reiterated the traffic in this area stating he could not in good conscious vote for a project that in their own words was "projected to continue experiencing continued delays" on Michael Gladden and North Park Avenue. He said his perspective would be to table this until the City can determine what to do with that intersection.

Commissioner Bankson said his concern was to watch for the legal side of this matter. He stated the compassion is there, but if this is tabled, then so is the other project as they cannot favor one over the other.

Mayor Nelson opened the meeting to public comment.

Phyllis Nicholson said she was an Apopka native and she was here on behalf of Mr. Jun Kim, stating they have extensively collaborated since his other location's demise. She said he was a credible person to their community. She stated he wanted a chance to contribute and give back to the community. She told him she would come and speak on his behalf. She spoke of the traffic in this area, especially during peak times.

Laquita Baker said she was an employee of Mr. Kim and he always tried to give back to the community. She stated she has been shuffling jobs since the store has been closed. She said Mr. Kim just wanted another chance to get his store back.

Glennie Payne said she was a native and Mr. Kim was a very good person and they need people like him in their community. She said he gave people a chance to prove themselves. She stated he was already approved for another store and another store coming in will hurt him and other small businesses.

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

Mayor Nelson asked City Attorney Shepard to provide input regarding this matter and whether traffic should be a delay.

City Attorney Shepard said discretion on whether to delay based on traffic or additional information is one Council has the ability to make. In terms of the other store, as he understands, that store has already been approved and cannot be brought back in. He stated based on the same considerations, it is now a part of the mix that makes traffic an issue. He stated city staff seems to support their traffic report, but there may be additional information needed. He advised on that basis Council could table, but he also stated there were only two projects mentioned. If there are any others, they would need to receive similar treatment unless it was something that clearly produced zero traffic.

Commissioner Becker said he would challenge that, not from a legal perspective, but from the uniqueness of what was presented. He stated he was using the combined information from the traffic study presented along with his own understanding of that traffic area that he personally drives on frequently to render his decision. He said he disagreed with their sentiment that they are not going to contribute anything further to the detriment of the area.

City Attorney Shepard stated individual commissioners are not allowed to bring their own evidence to a quasi-judicial proceeding, they have to utilize what is presented. However, they are allowed to consider other evidence, and if they feel other evidence can be ascertained within a reasonable time, then that is legit. In response to Commissioner Becker inquiring if

it is within his purview to disagree with what they presented, City Attorney Shepard responded in the affirmative.

Commissioner Bankson said this was being considered based upon the traffic issue and he agreed that he would like more time to approach it from that aspect.

Richard Earp, City Engineer, said the city has a continuing consultant for traffic engineering services. He suggested we have the independent consultant evaluate and provide an opinion.

MOTION by Commissioner Becker, and seconded by Commissioner Smith to table this item to August 1, 2018. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Final Development Plan (FDP) – Lake Gem Commerce Park, Lot 10

Project: Property Industrial Enterprises, LLC, c/o Michael R. Cooper

Location: 511 and 611 Marshall Lake Road

Ms. Sanchez said this request is to approve the Lake Gem Commerce Park, Lot 10, Final Development Plan. She reviewed the property location on Marshall Lake Road and reviewed the surrounding land uses. The Planning Commission found the FDP to be consistent with the Comprehensive Plan and Land Development Code, recommending approval. DRC recommends approval. The recommendation is to approve the Lake Gem Commerce Park Lot 10 FDP.

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 Bankson, to approve the Final Development Plan for Lake Gem Commerce Park, Lot 10. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

5. Final Development Plan & Plat – Lakeside, Phase 1

Project: Avatar Properties, Inc. and James D. & Deborah Lyda

Location: South of Marshall Lake and west of SR 451

Bobby Howell provided a brief lead-in for the Final Development Plan and Plat for Lakeside, Phase 1. He reviewed the characteristics of the surrounding area on an aerial map. He advised City Council approved the PUD Master Plan and Preliminary Development Plan on April 4, 2018, for the Lake Marshall Subdivision. The subdivision has been renamed to Lakeside. The request is approval of the Final Development Plan and Plat for Phase 1. He advised the subdivision will be gated and all interior roads private. Ingress/Egress is by Johns Road. The Planning Commission and DRC recommended approval.

In response to Commissioner Becker inquiring about the emergency access on Tract J, Luke Classon, Appian Engineering, advised this will be part of the first completion of the subdivision. Also, in response to Mayor Nelson, Mr. Classon advised that Breckenridge was not interested in a pedestrian connection between the subdivisions.

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 and Plat for Lakeside, Phase 1. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

6. Final Development Plan\Plat – San Sebastian Reserve

Project: A.D Raulerson, Sr. & A.D. Raulerson, Jr.; and Curtis & Karen Pumphrey

Location: North of Lester Road and west of Rock Springs Road

Ms. Sanchez reviewed the San Sebastian Reserve Final Development Plan/Plat, showing the location on a map as well as surrounding land-uses. She advised there are overflow parking spaces throughout the community. Amenities include a swimming pool, cabana, playground, gazebo, and a dog park for the residents. There will be a 6-foot brick, masonry, or precast wall within a 30' landscape buffer abutting Alexander Place subdivision, as well as within a 20' wide buffer along Lester Road. There will be perimeter fencing along the east and west property lines. The HOA will be responsible for maintaining the landscaping and irrigation within the public right-of-way portion, and will maintain the common areas. The Plat is consistent with the approved Preliminary Development Plan and the Final proposed development. The Planning Commission recommended approval subject to revision to the FDP and Plat to reflect consistency with the northeast corner of the Master Plan/PDP, Lots 101 to 105. She advised the applicant revised the plan and plat following the Planning Commission meeting. The recommendation is to approve the San Sebastian Reserve subdivision Final Development Plan and Plat subject to the conditions of approval and staff report.

Richard Wohlfarth, applicant, said he was present to answer any questions.

Commissioner Becker said he has not voted in line with this project since it first came to Council. He stated he felt this was counter to what our zoning classification calls for, even from a PUD zoning classification.

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 Final Development Plan and Plat for San Sebastian Reserve as presented. Motion carried 4-1 with Mayor Nelson, and Commissioners Bankson, Nolan, and Smith voting aye, and Commissioner Becker voting nay.

7. Final Development Plan\Plat; Development Agreement – Stanton Ridge

Project: Central Florida Expressway Authority

Location: Straddles SR 429, west of the intersection of Belgion Street and Plymouth Sorrento Road.

David Moon, Planning Manager, reviewed the Stanton Ridge Final Development Plan/Plat and Development Agreement. He stated this was for 33 residential lots and showed the area on a map of general location, as well as an aerial overlay of the 429. The Planning Commission recommended approval of the FDP and Plat, subject to the findings of the staff report and recommended approval of the Development Agreement. DRC recommended approval.

Scott Glass, Special Counsel for the Expressway Authority, was present to answer any questions.

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 Smith, to approve the Final Development Plan and Plat for Stanton Ridge. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

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

8. Master/Preliminary Dev. Plan; Site & Subdivision Plans; Development Agreement

Project: Residences at Emerson Park, LLC - Greystone Skilled Nursing Facility

Location: 1601 Alston Bay Boulevard

Mr. Moon reviewed the Master/Preliminary Development Plan for Greystone Skilled nursing Facility, explaining the subject property is approximately 24.08 acres in size and is zoned Mixed EC, located at the northeast corner of the intersection of Ocoee-Apopka Road and Alston Bay Boulevard. The property is located in Emerson Park on Tract "G" as noted on the plat. Mr. Moon stated with the redesign of 451 and 429, this area no longer meets the character for a Town Center. He advised the Development Agreement no longer applied for a town center with the change of character of the area, therefore the Development Agreement needs to be amended. He stated the underlying zoning of Mixed-use EC allows for a skilled nursing facility. The action before Council is related to the Development Agreement and the PDP, site plan.

Bobby Howell, Senior Planner, reviewed the site plan and subdivision plan pointing out this proposes dividing the property into two, stating the property is noted as Tract G in the plat of Emerson Park subdivision. As mentioned, there is an existing Development Agreement the property is subject to and one of the actions will be to terminate the Development Agreement. He reviewed the detail of the Preliminary Development Plan, Site Plan, and Subdivision Plan detailing the two lot commercial subdivision consisting of a 19.77 acre parcel with a 108,567 square foot skilled nursing facility and a 14.2 acre vacant parcel that will remain vacant to be developed under the Mixed EC guidelines at a future date. The skilled nursing facility will have 218 parking spaces with two access points located on Alston Bay Boulevard. He reviewed the landscape plan. The architectural elevations for the skilled

nursing facility is for a one-story building and he reviewed the proposed architectural design elements. DRC and the Planning Commission recommend approval.

Commissioner Nolan said that Greystone becomes involved in the community and give back, stating the community would benefit from this development.

In response to Commissioner Becker inquiring if the revocation of the developer's agreement would impact the roadway ownership, Mr. Moon advised there was no effect on the ownership of the road. He advised Alston Bay was a private road owned by the HOA and this property is part of that HOA. Commissioner Becker asked from a legal perspective what their ownership in terms of maintenance cost to help with this roadway was.

Dustin Stevens, Esquire, with Holland and Knight, said this was a tract in the same plat the overall residential community was platted. He stated there was a separate existing document that gives this property an access easement across Alston Bay Boulevard. He affirmed Alston Bay Boulevard was a private road owned by the HOA, but at the time the community was originally developed, an access easement was provided to this tract. He advised that up until today, nothing has governed cost sharing for Alston Bay Boulevard. The recorded instrument required meeting with the HOA before this property could be developed, reviewing the site plan and providing approval, which they have done. He advised they do have a signed agreement with the HOA to add more clarity to the cost sharing.

Mayor Nelson opened the meeting to a public hearing.

Butch Stanley, President of Emerson Park HOA, said they have had discussions with Greystone over the past nine months. He stated they presented at their last HOA meeting and everyone appeared to accept this development well and look forward to their being a part of Emerson Park.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve the Master Preliminary Development Plan, and Site and subdivision plans for Greystone Skilled Nursing Facility. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve the termination of the Amended and Restated Developer's Agreement for Emerson Park. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

9. Preliminary Development Plan – Bridlewood Subdivision (fka Equestrian Center Subdivision)

Project: Laura R. Murphy

Location: 359 West Lester Road

Ms. Sanchez provided a brief lead-in for the Preliminary Development Plan for Bridlewood Subdivision. She reviewed the location of the parcel on a map and reviewed the surrounding land uses. The subdivision plan shows 52 single-family lots on a 20 +/- acre site, with ingress/egress on Lester Road. She advised the typical lot width is 75 feet and minimum living area of 1500 square feet. She advised the development is consistent with R1 zoning district requirements. The DRC and Planning Commission recommended approval with the variance approved on June 12, 2018.

Luke Classon, Appian Engineering, said he was present to answer any questions. He advised they did meet with Avian Reconditioning Center and coordinated with them regarding the fencing and landscape buffers.

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 Preliminary Development Plan for Bridlewood Subdivision. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

10. Preliminary Development Plan – Hidden Lake Reserve Subdivision

Project: TGINF, LLC c/o Alan Goldberg

Location: 501 Old Dixie Highway

Mr. Moon reviewed the Preliminary Development Plan for Hidden Lake Reserve Subdivision for 92 Town Homes, 8 buildings with 4 units, and 10 buildings with 6 units. He reviewed the location of the site north of Old Dixie Highway, and east of Apopka Elementary School. He reviewed the general layout of the plan. The streets will be privately owned. The amenities include a pool house and pool together with a tot lot. Each unit will have one enclosed garage and parking within the driveway. There is no overflow parking. He pointed out a pathway with sidewalk that leads to the elementary school so students from this community can walk to Apopka Elementary School. He reviewed the fence/walls surrounding the development.. The Planning Commission approved a variance that waives the wall requirement along the wetland area and the upland buffer, but they did require a 6' brick wall along the eastern boundary to the south of the 25' upland buffer and to the north of the 25' upland buffer, except where there is already a brick wall around a proposed lift station that serves this community. He advised the applicant has filed an appeal to the City Clerk regarding the eastern wall requirement. This appeal will appear before City Council at another advertised hearing. The recommended motion is to approve the Hidden Lake Preserve Subdivision Preliminary Development Plan, subject to the findings of the staff report and the public hearing findings for the variance addressing the eastern wall.

Council recessed at 9:39 p.m. and reconvened at 9:45 p.m.

Alan Goldberg, Applicant, provided a presentation stating he was in agreement with staff, except for conditions 2 and 3. He reviewed the project and advised he has had conversations with each council member. He said they rezoned this property from commercial to R3

Multifamily in March 2018. He stated they are looking forward to having an affordable town house community within Apopka. He said their planned amenities will focus on the lake in the community with plans to have a walking trail around the lake, as well as a fishing/observation dock. They hope to be able to provide a dog park or dog run for the residents. They anticipate the buyers will be first time buyers with young children with this being next to the Elementary School. There will be a dedicated walkway between their community and Apopka Elementary School for their residents, as well as allowing a walkway through their community for the residents of Clayton Estates. He stated this was an area in transition. To date they have had no community objections to the project. He said they had hoped to discuss the east property line variance request this evening, but they have been instructed by staff that since they have appealed the decision from the Planning Commission, it would be inappropriate to discuss at this time.

Commissioner Bankson inquired if they would be amenable to consider a brick wall along the western border for the aesthetics of matching the other brick walls.

Mr. Goldberg said they were instructed by staff that they had to have a swimming pool in this community. It was not questioned and put in the plans. He stated with some other issues of interpretation, they went back and looked at this. He said the code states for R3 Multifamily, swimming pools, tennis courts, playgrounds, and other active recreation uses are to be provided with the multifamily projects and such uses located in common ownership areas. He stated their contention is that this is a menu of items you could see within a multifamily project, making the amenity package strong enough so it is market responsive and also responsive to the city's requirements. He declared the staff is contending that each one of those items need to be in a multifamily project in an R3 category. He asked that the Council interpret the amenity requirement as a menu of amenities that could be provided within the community and not a required swimming pool as part of the package per staff's interpretation.

Discussion ensued regarding interpretation of the code with regards to amenities required.

James Hitt, Community Development Director, said staff looks at this as being consistent with what has been approved in the past for different developments, hence they stayed with the recommendation to go with the pool.

Discussion ensued regarding the western lot line and a vinyl fence and Mr. Goldberg shared an email from OCPS that stated they had no issue with a fence if the city is agreeable. He stated the code does not require a residential development to provide a buffer wall between residential homes and the public school. He said they proposed a vinyl fence for the privacy of their residents. The Planning Commission recommended a wall along this property line.

Mayor Nelson asked Deputy Chief Fernandez to comment on the issue of a wall versus a fence along the western property line between the development and Apopka Elementary School. Deputy Chief Fernandez said when this was discussed in DRC the discussion was that a wall would be appropriate in this area. He said the wall is sturdier and they generally prefer to see walls.

Commissioner Bankson said he would prefer to move the PDP together with the fence issue and discuss them together.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson to continue the Hidden Lake Reserve Subdivision Preliminary Development Plan to August 15, 2018. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voted aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

- 1. Ordinance No. 2664 –Second Reading – Annexation – Cycle 3 - Stormwater Pond -**
Project: City of Apopka – Location: 1680 South Lake Pleasant Road. The City Clerk read the title as follows:

ORDINANCE NO. 2664

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, OWNED BY THE CITY OF APOPKA; LOCATED AT 1680 S LAKE PLEASANT ROAD, AND COMPRISED OF APPROXIMATELY 4.45 ACRES; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Pam Richmond, Senior 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, and seconded by Commissioner Smith, to adopt Ordinance No. 2664. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

- 2. Ordinance No. 2665 – Second Reading – Annexation – Cycle 3 – Road Right-of-Ways**
Project: Orange County – Locations: Carnation Court; East Laurel Street; East Myrtle Street; West Myrtle Street; North Washington Avenue; North Central Avenue; and North Lake Avenue (North and South of West Myrtle Avenue)

ORDINANCE NO. 2665

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 CARNATION COURT, EAST

LAUREL STREET, EAST MYRTLE STREET, WEST MYRTLE STREET, NORTH WASHINGTON AVENUE, NORTH CENTRAL AVENUE, NORTH LAKE AVENUE (NORTH AND SOUTH OF WEST MYRTLE AVENUE), SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF NORTH PARK AVENUE, SOUTH OF WEST SUMMIT STREET AND NORTH OF WEST OAK STREET, AND COMPRISED OF APPROXIMATELY 8.279 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Ms. Richmond advised there were 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. 2665. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

3. **Ordinance No. 2660 – First Reading - Change of Zoning - Project: JEL Land Development, LLC - Location: 2400 Schopke Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2660

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO “CITY” PUD (PLANNED UNIT DEVELOPMENT) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SCHOPKE LESTER ROAD AND SOUTH OF SHOPKE ROAD, COMPRISING 19.67 ACRES MORE OR LESS, AND OWNED BY JEL LAND DEVELOPMENT LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner, reviewed the project stating this is a proposed change in zoning from R1A to PUD for 19.67 acres at 2400 Schopke Road. He reviewed the location and surrounding land-uses. DRC and Planning Commission recommends approval. The recommendation is to approve at first reading and hold it over for a second reading.

Tom Sullivan, representing the applicant, said they agreed with the staff recommendation. He stated this project would have an increase in the minimum required size of homes.

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 Smith, to approve Ordinance No. 2660 at first reading and carry it over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

- 4. Ordinance No. 2666 – First Reading – Change of Zoning – Kelly Park Road Publix Center - Project: JD and Kathleen L Horne Trust - Location: 4966 Plymouth-Sorrento Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2666

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (PD/ZIP) TO “CITY” KELLY PARK INTERCHANGE MIXED-USE (KPI-MU), AND ASSIGNING A KELLY PARK CROSSING INTERCHANGE AND VILLAGE CENTER OVERLAY DISTRICTS, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROAD 429 ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST KELLY PARK ROAD AND PLYMOUTH-SORRENTO ROAD, COMPRISING 18.13 ACRES MORE OR LESS, AND OWNED BY JD AND KATHLEEN L HORNE TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Bobby Howell, Senior Planner, reviewed the project stating this was a request for a change in zoning from County A-1 to City Kelly Park Interchange Mixed-use and assigning a Kelly Park Crossing Interchange and Village Center overlay district. The Master Plan/PDP follows the Kelly Park Interchange Form-Based Code Requirements. The rezoning is being requested to develop a 68,231 sq. ft. commercial development including a 46,031 sq. ft. Publix supermarket. He reviewed an aerial photograph to show the surrounding land-uses and location of the subject property. DRC and Planning Commission recommend approval. The recommendation is to approve at first reading and carry over for a second reading.

Kathy Hattaway, representing the applicant, said they are in agreement with the staff report and available for any questions.

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 Ordinance No. 2666 at first reading and carry it over for a second reading.

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

- 5. Ordinance No. 2667 – First Reading – Change of Zoning/PUD Master Plan/Preliminary Development Plan - Project: Vista Reserve - Location: On the east side of Rogers Road, approximately ½ mile north of the intersection of Rogers Road and Lester Road. The City Clerk read the title as follows:**

ORDINANCE NO. 2667

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM RESIDENTIAL SINGLE-FAMILY DISTRICT (R-1AA) TO PLANNED UNIT DEVELOPMENT (PUD), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF ROGERS ROAD, APPROXIMATELY ONE-HALF MILE NORTH OF THE INTERSECTION OF ROGERS ROAD AND LESTER ROAD, COMPRISING 61.1 ACRES MORE OR LESS, AND OWNED BY MIKHAIL WAFEE, ABDELSAYED GEORGE, ABDELSAYED LUCY, AND ABDELSAYED WAFEEK; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Howell reviewed the proposed change in zoning to a PUD for Vista Reserve proposing 163 single family units in one phase. He reviewed the subject property on a map and showed the surrounding land-uses on an aerial map. The Planning Commission found the proposed amendment consistent with the Comprehensive Plan and recommended approval, and did DRC. The recommendation is to approve at first reading and carry over for a second reading.

Tom Sullivan, representing the applicant, said this was a strong package with excellent amenities. He stated he was present to answer any questions.

Mayor Nelson opened the meeting to a public hearing.

Tova Havlykke said she appreciates that they met with the neighborhood and listened to their concerns. She did say they were not excited about any development and the added traffic on Lester Road.

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

MOTION by Commissioner Smith, and seconded by Commissioner Becker, to approve Ordinance No. 2667 at first reading and carry it over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

6. **Ordinance No. 2668 – First Reading – Amending Ordinance No. 2345 - Project: Orange Blossom Apopka RV Resort Inc., c/o Robert Vesely - Location: 3800 W. Orange Blossom Trail.** The City Clerk read the title as follows:

ORDINANCE NO. 2668

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE 2345, WHICH AMENDS THE ADOPTED “KOA CAMPGROUND PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN” FOR CERTAIN REAL PROPERTY LOCATED AT 3800 WEST ORANGE BLOSSOM TRAIL, COMPRISING 10.2 ACRES MORE OR LESS; OWNED BY ORANGE BLOSSOM APOPKA RV RESORT INC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Martinez presented the project advising this was a request to amend the PUD to add 11 additional campsites. Planning Commission and DRC recommended approval.

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 Ordinance No. 2668 at first reading and carry it over for a second reading. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

7. **Resolution 2018-10 - FY17/18 Budget Amendment.** The City Clerk read the title as follows:

RESOLUTION NO. 2018-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, PROVIDING FOR A BUDGET AMENDMENT

Jamie Roberson, Finance Director, reviewed the budget amendment in detail reviewing each line item as presented in the agenda packet. The request is to approve Resolution No. 2018-10, amending the budget for FY 17/18.

Mayor Nelson opened the meeting to a public hearing.

William Gusler said this reaffirms the budget struggle spending money that was not part of the budget. He stated this was the seventh budget amendment based on overspending over the last three years.

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

MOTION by Commissioner Smith, and seconded by Commissioner Bankson, to approve Resolution No. 2018-10. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

- 8. Resolution 2018-11 - Public Risk Management (PRM) Notice of Intent to Withdraw.**
The City Clerk read the title as follows:

RESOLUTION NO. 2018-11

A RESOLUTION OF THE COUNCIL OF THE CITY OF APOPKA, FLORIDA, AUTHORIZING THE CITY ADMINISTRATOR TO PROVIDE PUBLIC RISK MANAGEMENT OF FLORIDA WITH NOTICE OF THE CITY'S INTENT TO WITHDRAW; AND PROVIDING FOR AN EFFECTIVE DATE.

Tangela Whaley, Human Resource Operations Manager, said one area that has a potential for savings is the Property and Casualty. By approving this resolution with an intent to withdraw, it allows the City to obtain a competitive bid for the property and casualty side. If the bids come in with a change beneficial to the city, then the findings will be brought to Council for discussion and action.

Mayor Nelson opened the meeting to a public hearing.

David Lodwick, Halafax of Century of Public Risk Insurance, said he was here to support staffs recommendation to seek alternatives to save money and seek better value. They will be pleased to respond to an RFP and their partner will be the Florida Municipal Insurance Trust. He said the resolution they are being required to do tonight would not be required by the Florida Municipal Insurance Trust. They look forward to submitting something in the future.

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

Mayor Nelson spoke of PRM and the losses they have had between 2012 and 2016 of their reserves.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve Resolution No. 2018-11. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

CITY COUNCIL REPORTS

Commissioner Bankson said it was good to see the painting and improvements on the corner of Park Av and 441. He reported he has an opportunity to travel to Israel in January, leaving on the 16th and returning the 25th. He requested consideration to shift meeting dates as they get closer to this time.

Commissioner Smith said he would not be available the first meeting next month and requested any budget items be carried over.

MAYOR'S REPORT

1. Fireworks update – Mayor Nelson reported the vendor for the fireworks has agreed to pay the City back and provide a free show in September.

ADJOURNMENT – There being no further business the meeting adjourned at 11:07 p.m.

_____/s/_____
Bryan Nelson, Mayor

ATTEST;

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