

CITY OF APOPKA

Minutes of the City Council regular meeting held on June 21, 2017, at 7:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Doug Bankson
Commissioner Kyle Becker
City Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: Teresa Sargeant - The Apopka Chief
Steve Hudak, Orlando Sentinel
Reggie Connell, The Apopka Voice
WFTV News
WESH News
FOX News

INVOCATION: Mayor Kilsheimer introduced Pastor John Fisher, First United Methodist Church of Apopka, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on June 17, 1885, the Statue of Liberty arrived by ship at Bedloe Island in New York Harbor. The statue was designed by Frenchman Frédéric Auguste Bartholdi and Gustave Eiffel and it was a gift to the people of America from the people of France to commemorate the 100th Anniversary of the Declaration of Independence. The copper and iron structure, which arrived in more than 350 pieces, was reassembled and dedicated in 1886, where she stood watch over more than 12 million immigrants that entered America through Ellis Island. Lady Liberty became a symbol of America as a land of freedom and opportunity. He asked everyone to reflect upon the America ideas of freedom, hope, and opportunity that Lady Liberty represents as he led in the Pledge of Allegiance.

AGENDA REVIEW: Mr. Irby announced there was an item to add under Business for a street closure of Shirley Drive for a Street Party.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Ross Duke said his reason for being here is that he is the client service manager for Redflex Traffic Systems. He recommended to Council that the City go out to RFP to allow the evaluation of new technology and also to make sure they are getting the best price for the program.

David Leavitt said he lives in Longwood, however, he has businesses throughout Central Florida, including Apopka. He stated Council will hear today from proponents of red light cameras statistics and data based on flawed and biased information that most likely can be traced back to

the camera vendor. He said ATS employees and several lobbyists make a living spreading biased information in Tallahassee and beyond. He declared Seminole County did not have any red light cameras. He owns a company that employs 80 people and has a fleet of 20 vehicles who have the unpleasant and unsafe need to drive through communities with red light cameras like Apopka. He stated they have a company policy warning drivers in their business to be careful of rear end collisions while driving through cities like Apopka. He asked that prior to approving this renewal that all seven police chiefs in Seminole County be polled, as well as the Seminole County Sheriff. He said out of 477 jurisdictions in Florida that have the opportunity to have red light cameras, only 59 jurisdictions have them.

Glen Chancy said when he and some other activists first became interested they founded "Ban the Cams" in 2010. They drafted a study along with some additional friends that looked at the City of Apopka's program and catalogued a number of statistics and talked about how red light cameras tend to increase rear end collisions and how they really are not a safety issue. He stated this was all put into a report and circulated. He said there were two pitches made regarding red light cameras, one by the Astroturf organizations set up and maintained by the red light camera companies that pretend to be public safety specialists and public servants that echo that pitch, then there is the other pitch about the money. He stated there has been evidence that these are not very lucrative programs for the sponsoring jurisdictions. He also agreed it would be a good idea to do an RFP. He declared this was not about safety and it never has been. He said it was an additional tax on motorists and works by manipulating yellow light times, creating unsafe conditions so to write more tickets to pay the high costs of these programs. He declared the city did not need the program.

Aaron Drummond said he has been a resident for over 10 years and this was the first time he has ever been in the Council Chamber. He stated he has never received a ticket from the red light cameras, but he has been in a rear end accident at a light in Apopka, stating his wife still sees a chiropractor as a result. He said he has researched red light cameras online and it seems to be a common theme of increased rear end collisions. He stated he did not see this as a safety issue and felt it was about revenue generation. He has had people tell him that they do not want to come to Apopka because of the red light cameras. He said this was not the reputation we want and urged that they get rid of the red light cameras.

Edward Wagner said the red light cameras have nothing to do with liberty and that is the principle our country was founded upon. He stated these cameras were not even made from this state and are brought in and calibrated from another state. He said it takes more officials to look at the cameras, calibrate them, and look at everything that goes on with it, then deny justice to the people, deny due process, and deny the right to face your accusers. He said Florida came close last year to have red light cameras outlawed and many states have already outlawed them. He said this was madness and needed to stop. He declared these cameras were anti-American.

Wayne Jackman said he did not live in Apopka, but he has been in Orange County since 1975, a graduate from Evans and UCF. He said he is employed here and pays taxes to the county, gas taxes on the federal, state, and county levels, stating these get funneled through here. He said red light cameras are going to be on major roads and if his vehicle comes through Apopka, whether he is driving or not, he would receive a ticket demanding a fine. He stated these red light cameras are Darth Vader, they are judge, jury, and executioner. He stated they are a witness that takes no oath

and cannot be cross examined which is against everything a defendant is allowed to have in court. He said the people here that came to oppose these are members of the republic who stand against tyranny.

Randy Wiseman said he lives in Mount Dora and he is here as one of the representatives of the Libertarian Party and said he is a candidate for governor for that party. He stated he has a big concern with our personal liberties and how they are being handled. He said he recognized specifically the City Council is the governing body of this City and that is the way it should be. They should be making the decisions they feel are best for the City and he recognizes and respects that. He stated he thinks the red light cameras impose on our personal liberties to the degree we do not have our day in court. He said the people of Apopka and the people who drive through the city have the right, and Council owes them the respect to allow them to be face to face policed. He stated someone getting a ticket from one of the officers will consider not doing this again, and red light cameras do not do that. He commended the City Council and said he knew they would do the right thing based on their consciences.

Robert Webster said he has served as a judicial officer and has strong feelings about the Constitution and Bill of Rights. He said there is no law he has ever read that has come as close to being illegal as the red light camera law. He said the red light cameras violate every covenant and law in our republic. He spoke of the traffic that lines up on Welch Road to turn right onto Rock Springs Road because of the red light camera. He suggested the City Council vote adamantly under no condition that red light cameras be used.

Derek Ryan said he lives in Apopka and two members of his family have served as Mayor in the 1930's, and he stated LeRoy Gilliam was his grandfather. He stated he is the chairman of the Libertarian Party of Orange County and they were actively recruiting candidates. He stated he works in sales and drives a lot of miles each year having his share of red light cameras. He said there have been a lot of quality arguments against the red light cameras and believes Council will do the right thing and get the cameras out.

Henry Bentley said he lives in Apopka and a lot has been said about the red light cameras. He said he has noticed the City of Apopka has shortened the length of the yellow lights and asked why. He stated while the time was lengthened there were less accidents.

Mayor Kilsheimer advised the Department of Transportation sent a letter warning the City of Apopka that the yellow light times had to be restored to the prescribed length. He further explained these are regulated by the Department of Transportation.

Mark Schmidter said he is resident of Orange County and frequently drives through Apopka. He declared by supporting this, the Commission was violating their oath of office to the Constitution of the United States. He said he wanted justice for his grandchildren and stated the only way to fight it is under federal civil rights, violating their oath of office, which is a \$250,000 fine and is not covered under any insurance policy.

CONSENT (Action Item)

1. Authorize the disposal of surplus equipment/property.

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

BUSINESS

1. Authorize the Renewal Agreement with American Traffic Solutions for the Intersection Safety Program.

Captain Fernandez provided an overview, stating there is some misinformation out regarding how the camera program actually works. In 2007, the City of Apopka was one of the first cities in Florida to put a program like this in place. He stated from 2007 to 2010, it was a local program under a local ordinance. In 2010, the Mark Wandall Act was written bringing intersection safety camera programs under the umbrella of the Florida Legislature and how they are managed. At that time our program was modified to meet those standards. The Mark Wandall Act was updated in 2013, and the legislature put in place alternative procedures for challenging the notices of violation, insuring a local due process. He advised a formal RFP process was done in 2007 and since that time American Traffic Solutions (ATS) was chosen as the vendor and they have been our vendor for the last ten years. He explained the City of Apopka traffic specialists and police officers review these violations for accuracy and consistency prior to a notice being issued. He reviewed several videos of violations pointing out the date and time, and amber phase time are listed on the photographs and videos, as well as the speed limit. He explained the amber phase time is set by FDOT based upon the speed limit. He said the goal of red light cameras is to change the behavior of drivers. He showed a video of a story by Channel 9 News on the complaint of red light cameras causing rear end crashes and that yellow lights are shortened to increase ticket revenues. They reported the State sets required minimums for yellow light times, as well as reporting that on the rare occasion it does not meet the State standard, the violation is thrown out. The yellow lights that were surveyed met FDOT standards set for the yellow light time. They reported their investigation revealed that rear end crashes went down where red light cameras were installed, as well as a big reduction in T-bone crashes. The investigation proved that drivers are changing their habits. Captain Fernandez reported that most people who receive a red light camera violation do not receive a second violation, showing that this does result in habit change. He discussed right hand turns on red and said out of 11,000 notices of violations on right hand turns, more than 10,000 of the violations reviewed were dismissed. He reiterated they were looking to modify behavior.

Commissioner Becker thanked Captain Fernandez and Chief McKinley for the additional information provided. He said he does not support anyone that runs red lights. He stated he fully supports the laws in place, stating the point of the program is really about reducing the amount of violations. He went on to reference information provided on the Intersection Safety Program questioning some of the numbers and statistics provided.

Commissioner Velazquez expressed concern regarding the City having 21 cameras. She suggested an evaluation of the number of cameras needed and added that they remain at the busiest intersections and providing safety for pedestrians.

Captain Fernandez said the contract was not per camera and they could look at all intersections to determine if any could be removed. He advised there were 10 intersections that utilized the

21 cameras.

Commissioner Dean inquired as to the revenue/expenses reporting the collection of \$3,713,657 from October 1, 2015 through September 30, 2016. Out of this amount \$965,706 was city revenue. He inquired how the company received their revenue, to which Captain Fernandez explained this was a fully funded program funded by the violators.

In response to Commissioner Bankson inquiring to the legal aspect of surveillance, City Attorney Shepard advised the court has looked at all aspects and legal involvement of all aspects regarding this type of surveillance. He stated these cameras are public, on public roads. He stated one of the protections built into the law allows for the owner of the vehicle to file an affidavit stating who had the vehicle at the time.

Erin DeYoung, Attorney for the Apopka Police Department, added a judge will look at the affidavit and if it is filled out appropriately, the red light camera ticket is automatically dismissed by the court and is reassigned to the person that was driving the vehicle. She stated the courts have decided with red light camera tickets, you have the ability and right to cross examine the officer and make any objections to the video. She affirmed cases are often prosecuted based on surveillance video.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to approve the renewal agreement with American Traffic Solutions for the intersection safety program with the caveat to renegotiate if 21 cameras are needed. Motion carried three/two with Mayor Kilsheimer, and Commissioners Velazquez, and Bankson voting aye and Commissioners Dean and Becker voting nay.

Council recessed at 9:24 p.m. and reconvened at 9:35 p.m.

2. 5th Street Parking Lot sale by the Downtown Parking Association to the Community Redevelopment Agency (CRA).

James Hitt, Community Development Director, said the Fifth Street parking lot was owned by 15 entities, five shares of which are the City of Apopka. He stated there is an opportunity to continue the CRA Plan and in order to get this property under the CRA ownership, this property needs to be sold. In order to do this, the City of Apopka needs to give up their shares to the Downtown Parking Association. The Downtown Parking Association will in turn sell the property to the CRA.

Mayor Kilsheimer advised this authorizes Mr. Irby to cast our votes tomorrow in favor of the sale.

MOTION by Commissioner Becker, and seconded by Velazquez to approve authorizing the Fifth Street parking lot sell by the Downtown Parking Lot Association. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Budget Items for FY 2017 in accordance with the CRA Redevelopment Plan 2017 - Update.

Mr. Hitt said these budget items were covered during the CRA meeting and they are a continuation of the CRA Plan and were approved at the CRA meeting just prior to this Council meeting. The City Council also needs to approve these budget items.

MOTION by Commissioner Velazquez, and seconded by Commissioner Dean to approve the budget items for FY 2017 in accordance with the CRA Redevelopment Plan 2017 Update. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. Final Development Plan – Lake Lucie Equestrian Trail Head – 43 Rainey Road.

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the Clerk.

Pam Richmond, Senior Planner, reviewed the Trail Head for the Lake Lucie Equestrian project and reviewed the location. Overall the site is 166 acres and the trail head sits on 50,000 square feet to the east side of Rainey Road. She said the trash receptacle will be maintained by Orange County Recreation. Crushed concrete will be used for the parking surface, with the exception of the handicap spaces that will be paved. She pointed out there is a current trail being used and this is the path it will take. She advised the landscape plan meets the Land Development Code. She advised this site plan was laid out with great care to limit the number of tree removal and preserve the natural environment. The Planning Commission recommends approval of the Final Development Plan.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve the Final Development Plan for the Lake Lucie Equestrian Trail Head. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. Request for Street Closure for Street Party.

Mr. Irby said a resident on Shirley Drive in the cul-de-sac has requested to hold a block party closing the cul-de-sac. The City has requested a letter from all property owners affected stating they are aware of the closure and have no objection, as well as a certificate of insurance from the HOA listing the City as an additionally insured for the event. He advised the barricades need to be easily removed should the need arise for an emergency vehicle to enter the area. Staff recommends approval.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve the street closure of Shirley Drive for a Street Party provided they satisfy the conditions as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

- 1. Ordinance No. 2569 – Second Reading – Temporary Moratorium – Medical Cannabis Dispensing.** - The City Clerk read the title as follows:

ORDINANCE NO. 2569

AN ORDINANCE ESTABLISHING AN EXTENSION OF THE TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNABIS WITHIN THE CITY OF APOPKA UNTIL AUGUST 30, 2017; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNABIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN THE CITY OF APOPKA; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to adopt Ordinance No. 2569. Motion carried four/one with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye and Commissioner Becker voting nay.

2. **Ordinance No. 2570 – Second Reading – Annexation – 2255 & 2267 West Kelly Park Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2570

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY MYUNG SOO HAN & KATHERINE HAN LOCATED AT 2255 & 2267 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Dean, and seconded by Commissioner Becker, to adopt Ordinance No. 2570. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. **Ordinance No. 2571 – Second Reading – Annexation – 2309 West Kelly Park Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2571

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA,

OWNED BY CHOE BONG JIN AND CHONG SOON LOCATED AT 2309 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to adopt Ordinance No. 2571. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. **Ordinance No. 2572 – Second Reading – Annexation – 2405 West Kelly Park Road.** The City Clerk read the title as follows.

ORDINANCE NO. 2572

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY LEE WON CHUL & MUONG SEA LOCATED AT 2405 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to adopt Ordinance No. 2572. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. **Ordinance No. 2573 – Second Reading – Annexation – 4650 Jason Dwelley Parkway.** The City Clerk read the title as follows.

ORDINANCE NO. 2573

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY GEORGE W. THUM, JR. LOCATED AT 4650 JASON DWELLEY PARKWAY; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to adopt

Ordinance No. 2573. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. **Ordinance No. 2574 – Second Reading – Annexation – 355 West Orange Blossom Trail.** The City Clerk read the title as follows.

ORDINANCE NO. 2574

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY BIBUBOO, LLC LOCATED AT 355 WEST ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2574. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

7. **Ordinance No. 2575 – Second Reading – Annexation – 3606 Fudge Road.** The City Clerk read the title as follows.

ORDINANCE NO. 2575

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CHARLES AND BETTY BROWN LOCATED AT 3606 FUDGE ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Dean, and seconded by Commissioner Becker, to adopt Ordinance No. 2575. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

8. **Ordinance No. 2576 – Second Reading – LDC Amendment – Kelly Park Interchange Mixed Use Zoning District.** The City Clerk read the title as follows.

ORDINANCE NO. 2576

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING

THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE II – “LAND USE TYPE, DENSITY, INTENSITY” TO CREATE A NEW SECTION 2.02.21 ENTITLED “KELLY PARK INTERCHANGE MIXED USE DISTRICT;” PROVIDING FOR DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting to a public hearing.

Jim Hall, VHB, said the City Council and City staff are to be commended on the work that has gone into this, stating they have approached it in the right way, requiring a Form-Based Code to control the form of development and place making. He stated this ordinance establishes the mixed-use zoning district, and one part of this ordinance states they will also adopt some design guidelines, which were written several years ago and were citywide. He said there were many inconsistencies between the Design Guidelines and Form-Based Code. He said the Form-Based Code was very well written. The one issue they have with this mixed-use zoning district is that it makes it mandatory and causes many elevated areas. He declared his only objection is the inclusion of the word “mandatory” stating if the Design Guidelines are left as they were, they would be good, and then the Form-Based Code would cover everything you would have to do in developing the Kelly Park Interchange Vision Plan.

Pat Tyjeski, Senior Planner, S&ME, advised this was mandatory only if you do mixed use. She said residential development is subject to those design standards just like anybody else in the City. She stated if you do a mixed use outside the Form-Based Code area, then those standards would be mandatory. She advised the design standards can be updated at any time in the future.

David Moon advised the City was currently undergoing a major rewrite of the Land Development Code (LDC) and the guidelines will be merged into the body of the LDC. He said a lot of the inconsistencies will be eliminated with this update.

Mr. Hall said if this is not affecting his clients, Bridle Path and Orlando Beltway, he will waive his objection.

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

MOTION by Commissioner Velazquez and seconded by Commissioner Dean, to adopt Ordinance No. 2576. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

9. **Ordinance No. 2577 – Second Reading – LDC Amendment – Kelly Park Crossing Form-Based Code.** The City Clerk read the title as follows.

ORDINANCE NO. 2577

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III – “OVERLAY ZONES” TO CREATE A NEW SECTION 3.06.00 ENTITLED “KELLY PARK

CROSSING FORM-BASED CODE;” PROVIDING FOR DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

James Hitt, Community Development Director, said over the last few weeks they have met with some of the developers and staff has significantly reviewed the Form-Based Code. As a result, there is a list of edited items included in the packet for minor changes made.

Mayor Kilsheimer opened the meeting to a public hearing.

Jeff Welch, Rochelle Holdings, complimented Ms. Tyjeski and the city staff for the hard work put into this. He said this is a document that will need to be tweaked as opportunities with end users come. He stated as known, the Department of Economic Opportunity required adoption of some level of Form-Based Code for any of the projects to move forward. He said he would like to see this adopted tonight in order to move forward with a lot of great opportunities in Apopka.

Jim Hall said they met extensively with staff over the neighborhood district and some of the residential areas. He stated there was great repartee back and forth and the amendments made to the Form-Based Code are right on. He declared they want to see this be the most successful project seen in Apopka and for this area to take off and be a great success for the overall community. He stated for the Orlando Beltway that has some of the nonresidential land, when the issue comes up that you want to be urban, then you are talking about streets with curb and gutter and buildings are closer to the street. In the current instance there are rural road sections, and he suggested they start to consider how these roads will transform from a rural road to ultimately an urban road and how this will be funded.

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

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to adopt Ordinance No. 2577. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

10. **Resolution No. 2017-10 – Community Redevelopment Agency’s CRA Redevelopment Plan 2017 - Update.** The City Clerk read the title as follows.

RESOLUTION NO. 2017-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR THE COMMUNITY REDEVELOPMENT AGENCY LOCATED IN THE CITY OF APOPKA; MAKING FINDINGS; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Hitt advised this was the same plan as discussed during the CRA meeting and there have been no changes.

Mayor Kilsheimer opened the meeting to a public hearing. No one else wishing to speak, he

closed the public hearing.

MOTION by Commissioner Velazquez and seconded by Commissioner Bankson, to approve Resolution No. 2017-10. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS – No reports.

MAYOR'S REPORT

Mayor Kilsheimer said the City Council needed to discuss the hearing schedule for the Errol Estate Project. The project went to DRC and is scheduled before the Planning Commission at a special meeting on Tuesday, July 25, 2017, Apopka Community Center at 6:00 p.m. He stated if the vote is to transmit this to the State Department of Economic Opportunity, Council will need to hold a hearing. Due to the expected number in attendance, staff has proposed holding these hearings as alternative meetings at the Community Center.

It was the consensus of the City Council to hold the meeting for the Errol Estate project on Tuesday, August 22, 2017, at 5:30 p.m. at the Community Center.

ITEMS NOT REQUIRING ACTION

1. Thank you email from a resident to the Utility Billing Department.
2. Thank you email on the behalf of a resident to the Police & Fire Departments.
3. Thank you letter from GFWC Apopka Woman's Club for City's assistance with 56th Annual Apopka Art & Foliage Festival.

ADJOURNMENT – There being no further business the meeting adjourned at 10:13 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk