

CITY OF APOPKA

Minutes of the City Council regular meeting held on June 7, 2017, at 1:30 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: John Peery - The Apopka Chief
Steve Hudak, Orlando Sentinel
Reggie Connell, The Apopka Voice
WFTV News

INVOCATION: Mayor Kilsheimer introduced Pastor David Schorejs of First Baptist Church of Apopka, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said before dawn on June 6, 1944, allied forces under the direction of General Dwight Eisenhower, set Operation Overlord into motion. This operation was the largest military action in history and would become known as D-Day. More than 20,000 airborne troops, the largest airborne force ever assembled, were dropped behind Nazi posts in Normandy and hours later, more than 160,000 allied troops, supported by more than 5,000 ships & 13,000 aircraft, landed on 5 beaches along a heavily fortified 50 mile stretch of French coastland. More than 9,000 allied soldiers were killed or wounded in the action, but allied forces went on to march across Europe to defeat Hitler. He asked everyone to reflect on the bravery and sacrifice of those who fought and gave their lives for our freedom as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

- 1. City Council workshop meeting April 11, 2017.**
- 2. City Council regular meeting May 3, 2017.**
- 3. City Council regular meeting May 17, 2017.**

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve City Council minutes of April 11, 2017, May 3, 2017, and May 17, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: Mr. Irby announced there were no changes.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Erika Grabish said “Orlando United Day” was an opportunity for people to join with others throughout Central Florida in acts of love and kindness to build unity and honor all of those affected by the tragedy at Pulse. She said this would be held Monday, June 12, 2017, 3-7 p.m. in Apopka at the First Presbyterian Church.

David Emmel discussed the Form-Based Code and requested clarification on two items. He said their area is in the County and is non-contiguous. Orange County states no enclaves or fragmentations and will not provide services. He asked how the City of Apopka was going to handle this. He asked how the property marketability in present zoning will be affected for fair market value.

Jimmy Crawford said he was an Attorney representing Cantero Holdings that has a property in the southern portion of the Kelly Park overlay district. He stated they wanted to be here to lend their support for the program and said they have been working with staff. He stated while they do not think this is perfect, it is a good step in the right direction. He said they urge the Council and staff to keep in mind when implementing this code to use the flexibility built in the code to build quality developments at an affordable price.

Rod Love spoke of the last Commission meeting, stating the City Attorney made reference of having heard for the first time of a public records request for a certain item that has been requested from the City for over a year. He provided a chronological document regarding this request and stated he has now received this request. In addition he asked the Council that also sits as the CRA Board to be included in the visioning of the planning and development process of the CRA in Apopka.

Suzanne Kidd brought forth some points for the Council’s consideration as they decide where to place the statue of Mayor Land on the grounds of City Hall. She pointed out that she is a degreed design professional and her remarks are from her knowledge and experience as a designer. She suggested the statue be placed on the west lawn facing toward the flag pole and Masonic Lodge which invokes the history of Apopka’s founding in the 1800’s. She said this placement would provide visual symmetrical balance.

Employee Recognition:

Five Year Service Award – Kenyon “Ken” Friedline – Police/Support Services. Ken was not present and will be presented his award another time.

Five Year Service Award – Michael Rudich – Police/Support Services – Michael was not present and will be presented his award at another time.

Five Year Service Award – Cynthia “Cindy” Edwards – Recreation/Athletics – The Commissioners joined Mayor Kilsheimer in congratulating Cindy on her years of service.

Ten Year Service Award – Joshua “Josh” Williams – Police/Communications. The Commissioners joined Mayor Kilsheimer in congratulating Josh on his years of service.

Ten Year Service Award – Jared Bess – Fire/EMS - The Commissioners joined Mayor Kilsheimer in congratulating Jared on his years of service.

CONSENT (Action Item)

1. Authorize the Sewer and Water Capacity Agreement for Vistas at Waters Edge.
2. Memorandum of Understanding with the Orange Audubon Society for the Hickerson Property.
3. Authorize the Planning Services Agreement with S&ME for Form-Based Code Changes based on Arterial Road Uses.
4. Authorize the Renewal Agreement with American Traffic Solutions for the intersection safety program.

Items 2, 3, and 4 were pulled for discussion.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez to pull item four and delay until June 21, 2017 in order to obtain more information. Motion carried 4-1 with Mayor Kilsheimer, and Commissioner Dean, Velazquez, and Bankson voting aye, and Commissioner Becker voting nay.

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

Presentations:

1. Legislative Session update presented by Gray Robinson.

Chris Carmody, Chris Dawson, and Robert Stuart, Jr. from Gray Robinson were present to provide a legislative update. They stated today's presentation is focused on the legislative session that just concluded. They stated 3,000 total bills were filed and only 249 passed both chambers. they reviewed the budget of \$82.9 billion and gave the breakdown stating the Governor signed it on Friday with \$410 million in vetoes. They reported special session began today and it is focused on three items, one is \$200 million increase per student funding for public education, roughly \$100 per student. Second is \$76 million for Visit Florida, and third is \$85 million in an infrastructure fund. They reviewed the Tax Package, stating Florida is the only state that charges a business rent tax and it has been reduced to 5.8%. There was reform to the Florida Retirement System that changes the default election of new hires after nine months if they have not made an election. They were advised earlier today that Medical Marijuana will be added to the special session and advised there are a proposed 17 licenses with up to 25 dispensaries per license. SB 10 was passed regarding discharges into the Caloosahatchee and St. Lucie Rivers that flow to Lake Okeechobee. They reported on SB 80 that has significant impact on local governments with regards to Public Records Law which was signed into law that addresses exceptions to attorney fees and when to award these.. Additional funding for Bright Futures was passed. Community Colleges took a hit with "Community" being returned to their system and a lot of the four year degrees they had were cut back and require a 2 plus 2 partnership. HB 7069 was the K-12 education bill, which was multiple bills wrapped into one. The Governor's office has received pressure to veto this bill, however, he has not received it to date. They gave an overview on bills that addressed solar energy, homestead exemption, and reported on home rule issues during this legislative session.

Council recessed at 2:51 p.m. and reconvened at 3:00 p.m.

BUSINESS

1. Final Development Plan/Plat – Sandpiper Road Subdivision – Florida Land Trust #111, ZDA at Sandpiper, LLC.

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

David Moon, Planning Manager, provided a brief lead-in stating this FDP proposes 49 single family residential units. He stated it is consistent with the Comprehensive Plan, Land Development Code and the Sandpiper Road Subdivision Master Plan. He spoke of the tree preservation and the 30 foot conservation buffer. A copy of the staff report will be filed with the minutes. DRC and Planning Commission recommend approval subject to submittal of a School Concurrency mitigation agreement with Orange County School Board.

Commissioner Bankson said he lives on Sandpiper and the biggest concern is the removal of trees stating this was a very emotional issue.

City Attorney Shepard said this was a quasi-judicial matter and they do not get to unapprove what has already been approved. Council is being asked to approve the Final Development Plan/Plat provided it meets code requirements.

Alan Goldberg, applicant, said a lot of very thoughtful questions have been brought up. He gave a brief presentation stating they have had a lot of public hearings and many community meetings with groups in the areas as they negotiated the PDP approval. Negotiated items with the community includes 49 home sites on 58 acres with an average lot size greater than half an acre. Approximately 35% of the property will be undisturbed, open space, tree preservation, and buffers. He advised nine homes will have access to Lake McCoy and dock access, however, there will be no community access to the lake. There will be preservation buffers and landscape easements along the entire property boundary. It will be a gated community, but the community requested they not build a brick wall, that it be retained as a rural fence and landscaping. He reviewed the areas of what could be cleared based upon the PDP approval last year as well as what was being preserved. He pointed out the additional area they are requesting to clear at the infrastructure stage which is an additional 5%. He stated it should be noted they are saving or planting 7,330 inches of trees and making an additional payment to the City tree mitigation fund for the difference of 1,743 inches. He said he had made 62 commitments on the PDP. At this time he is asking to change one of those commitments, which was to clear the building pads at the time of building permit. He is requesting this amendment due to the topography of the property that needs to be leveled to make the engineering and drainage work. All of the infrastructure work and selected clearing will be completed within a six month period rather than over three to five years. He stated the plan is to build semi-custom homes with French country architecture ranging in size from 2,700 to 4,900 square feet. In summary, he said with the community and city staff input they have designed a very high quality community.

David Stokes, Engineer, advised the St. Johns Water Management District and standard construction practices have measures for stabilizing areas by seeding and mulch, and placing sod in other areas.

Mayor Kilsheimer opened the meeting to a public hearing.

Jerry Smothers said he grew up in this area and has seen the land go from very dry to very wet. He said he did not remember sink holes being addressed and stated there was a small sink hole located across the street from where he lives that appeared in the 1950's and helped drain the area around it. This is now a retention pond for the Sandpiper Street drainage. Another sink hole appeared in Lake McCoy in the 1990's which drained the lake, was filled in and the lake came back. He expressed concern about additional sink holes and possible damage to his home with excessive pounding and compression that will take place. He asked what the complete change of the contour layout of the proposed land will do to the future water flow during a wet year. He requested the land be left as close as possible to the existing layout. He asked Council and the builder to take this very serious and reconsider the proposed major land alteration.

Mr. Stokes said he cannot address the sink hole, but he can address the drainage and flooding. Their first revision to a preliminary plan was due to additional off site areas they found that contributed to the drainage on the eastern half of the project causing them to make the pond larger than planned. He stated St. John's Water Management District and FEMA will have to approve the drainage.

Jill Cooper lives in Oak Water Estates and her back yard abuts the Sandpiper development. She has attended every meeting trying to understand the process and how to participate as a member of the community. She said many in the community thought there would be more of the large oak trees saved on the individual building lots, and now it has come out that almost none of the trees on the buildable lots will remain. She said in all of the meetings it has never been stated the lots would be flat graded and clear cut. She stated she has twenty large trees in her backyard, a swale and a pool, stating it seems like there is room for all. She said she appreciates all of the hard work that has been put into this and hopes it turns out to be a nice development.

Les Hess lives in a subdivision just south of Oak Water Estates. He said it seems what is going to happen is inevitable. He stated Mr. Goldberg has been diligent and made a lot of concessions that make the property better. He said he did not have a problem with it all being done at once, but feels it is a tragedy that this many of the oaks must go. He asked Mr. Goldberg to err on the side of leaving any tree they can. He asked if the swale could be moved down so to leave more of the trees. He said this can be a good project and hopes they clean up the wetland area during the development.

Ellen O'Connor said she lives in the Oak Water Estates subdivision and said some of them have been involved in this for ten years. They are average citizens and are trying to understand with the ultimate goal of protecting their property value and keep the beauty of their neighborhood. She stated their frustration with the elected officials is that they left the meeting in 2016 thinking after all of this it was limited to 49 houses and they would save as many trees as possible, and now the tree removal is almost double.

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

The Mayor and Commissioners disclosed any ex parte communication.

Mayor Kilsheimer said this is emotional, it is their home and way of life, and he appreciates that. He stated there were a couple of misconceptions he would like to address, one of which some have tried to create the impression Council is driving this and that is not the case. Council and city staff are responding. Council's job is to determine whether or not the application meets the requirements laid out in the city code. Another comment said "follow the money." Mayor Kilsheimer said he has not received a single campaign contribution from Mr. Goldberg or anyone associated with him. He stated they are doing the best they can with city code that has not been updated since 1992 and it is in the process of being updated. He reiterated they must respond given the codes they have to work with.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve the Final Development Plan/Plat for the Sandpiper Road Subdivision with the condition that no fence will be higher than six feet. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson, and Becker voting aye.

2. Designate an official voting delegate for the Florida League of Cities.

Commissioner Dean declined being designated official voting delegate.

MOTION by Commissioner Bankson and seconded by Commissioner Becker to designate Commissioner Velazquez an official voting delegate for the Florida League of Cities. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.

3. Placement of the City Hall Mayor Land Statue.

Mayor Kilsheimer said at a previous Council meeting it was decided to seek the guidance of the Land family for the placement of the statue. He stated until today he had not seen any letter or email from the Land family expressing a preference. They did receive one today which was delayed due to an issue with Commissioner Bankson's emails. The Land family would like the statue placed in front facing the flag to make it appear as though Mayor Land is walking out the front door of City Hall.

Commissioner Bankson said the Land family's thoughts and deep feelings were that there were two things very important: City Hall and the flag because of his deep patriotism, his service in the military. It was very strong and passionate for them that they felt this is what he would prefer.

Mayor Kilsheimer said there is an area where the sidewalk intersects with the round circle. He discussed with Ray Marsh the idea of adding some additional concrete to round out that intersection.

It was further discussed whether to have a base, or place the statue at grade level. The consensus was to place it at grade level.

MOTION by Commissioner Bankson and seconded by Commissioner Dean to place the Mayor Land statue in front of City Hall, facing the flag, at grade level. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.

4. Discussion – Splash Pad Concept Plan.

Glenn Irby, City Administrator, said it was decided to go the route of design build. This entails the hiring of a design criteria professional engineer. He advised BESH Engineering from Tavares has been hired for this purpose. They will put together the design criteria in the form of a formal bid. They do not design the splash pad or bid on the building or final design of the splash pad. There were two open houses held on May 22, 2017 and May 24, 2017, to invite the public to view some of the items that could be incorporated into the splash pad and contribute their input.

Rob Urn, BESH Engineers, said they are the design criteria professionals for the city on this project. They will include the technical details required by the design builder to accommodate. The surveys will be included in the bid packet for the types of themes and items the public would like to see included.

Discussion ensued regarding parking and the type of surface the splash pad will have.

5. Approval of Kit Land Nelson Park racquetball court reconstruction for restroom facilities.

Mr. Irby said restroom facilities would be an amenity overall for Kit Land Nelson Park, as well as complementing the Splash Pad. One of the three general contractors the city engaged recently to complete the atrium in City Hall was asked at that time to evaluate this building for construction of restrooms. The entire building is not required to complete the restrooms project, so half of the racquetball courts will still be available. He advised this fits in the budget and reiterated it will be a good amenity overall. Staff recommends Council approve allowing a contract with CGC Kilfoyle.

Mayor Kilsheimer opened the meeting to public comment.

John Peine expressed concern about the racquetball courts and said he would like to see the city work around both the racquetball and tennis courts. He said he was glad to see they were leaving one of the racquetball courts.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean to approve reconstruction of the racquetball courts for restroom facilities. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. **Ordinance No. 2569 – First 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.

David Moon, Planning Manager, said Council adopted a medical marijuana ordinance on May 6, 2015, that regulates the location and operation of the location and operation of the cultivation, processing, and dispensing of medical marijuana within the City of Apopka. Based on a referendum that was approved by the voters on May 20, 2016, City Council adopted a moratorium to prohibit the issuance of a special exception permit or permits for dispensing of medical cannabis until such time the State prepares rules to address the new regulations and licensing for companies selected to dispense, cultivate, and process. The State is still in the process of creating these rules, therefore, staff is requesting to continue this moratorium until August 30, 2017.

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 approve Ordinance No. 2569 at First Reading and carry it over for a Second Reading. Motion carried four/one with Mayor Kilsheimer, and Commissioners Velazquez, and Bankson voting aye and Commissioner Becker voting nay.

2. **Ordinance No. 2570 – First 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 Velazquez, to approve Ordinance No. 2570 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

3. **Ordinance No. 2571 – First 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 Becker, and seconded by Commissioner Bankson, to approve Ordinance No. 2571 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

4. **Ordinance No. 2572 – First 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 Bankson, and seconded by Commissioner Velazquez, to approve Ordinance No. 2572 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

5. **Ordinance No. 2573 – First 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 Dean, to approve Ordinance No. 2573 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

6. **Ordinance No. 2574 – First 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 Velazquez, and seconded by Commissioner Bankson, to approve Ordinance No. 2574 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

7. **Ordinance No. 2575 – First 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 Bankson, and seconded by Commissioner Dean, to approve Ordinance No. 2575 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

8. **Ordinance No. 2576 – First 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.

David Moon, Planning Manager, said this item and the next item on the agenda are requirements of policy within the Comprehensive Plan. These are generated from the Wekiva Parkway and River Protection Act adopted by the State Legislature. Planning Commission met on May 23, 2017, and recommended approval of this ordinance as well as the next ordinance.

Pat Tyjeski, Senior Planner, S&ME, provided a presentation stating it is very similar to that presented previously during the joint workshop. She provided some background on the Wekiva Interchange Plan and how they plan to implement that plan. She also discussed Form-Based Code, what it means and what it does. She also reviewed the schedule. She said the Wekiva Parkway will be the last segment completing the loop around Orlando. In 2004, the State Legislature decided that the City and County were going to be required to prepare a plan for the interchange. She said the City adopted a policy that said, based on the fact a plan has to be prepared for this interchange area, they will make sure anything happening in the future be maintained within a one mile radius. Development will be concentrated at the two main intersections of Golden Gem and Kelly Park Road and Plymouth Sorrento and Kelly Park Road for the most intense development and then the development will go down in intensity and density as it meets the areas outside the diameter. This plan will be implemented through the Comprehensive Plan and Land Development Code. She advised the Form-Based Code will only apply to properties within the city limits. She reviewed the Form-Based Code and design guidelines which provide for more creativity and variety, and she reviewed the standards for lots. The plan is to make this more accessible to pedestrians.

Mayor Kilsheimer opened the meeting to a public hearing.

Jeff Hogan said he was on the Agriculture Advisory Board for Orange County and also serves on the Wekiva High School Agriculture-Science Advisory Board. He lives within the one mile radius and said he has never heard about this until one of his neighbors called him. He stated he applied a year and a half ago with the County to unsuccessfully change his zoning from AR to A1 and surrounding neighbors were notified. He expressed concern regarding not having been noticed. He stated a lot of this was not in the city limits and much of the county properties were zoned AR in this area.

Mayor Kilsheimer said this only applied to properties within the city limits. Ms. Tyjeski further explained the one mile radius was the area the city decided to look at. She stated just the properties within the City of Apopka would be subject to these regulations. Over time some of these properties may apply to annex within the City of Apopka and at that time these regulations would apply to those annexed properties.

Mayor Kilsheimer further explained the City must fulfill an agreement with the State of Florida to adopt a Form-Based Code. He advised this has been in the process for six years now. The City is trying to establish development guidelines that create something cohesive, yet allows for market forces to determine the type of development that goes in based within the guidelines.

David Emmel said he lives within a platted subdivision and the City is talking about new development, while they are talking about existing development. He said the DRI represents 642 acres. He stated there was 1,800 acres of mixed-use that are up for development. He asked how the enclaves were going to be handled. He said there was 35 acres across the street from him that are contiguous and in the county at this time. He stated this property will more than likely annex in the city and asked how this was going to be handled.

Jim Hitt, Community Development Director, said regarding the enclave and annexation issue, the City is governed by Chapter 171 for annexations regardless of what development we have, an enclave cannot be created. He advised there were three annexations passed this meeting for property off of Kelly Park Road, one of which was an annexation enclave issue the County objected to until two other property owners joined so not to create an enclave. If someone wants to annex in and they are directly adjacent to the city limits, they can be annexed. If it creates an enclave, then they cannot be annexed. He advised we are required to provide notification for properties rezoned and land-use changes to affected properties within 300 feet, as well as a map advertisement within the newspaper.

Mark Madoza said he lives one mile from this interchange to the west. He stated he remembered a lot of these meetings as it went through in 2004. He stated they have widened by the interchange and asked if they planned on widening through the rest of Kelly Park Road toward Round Lake Road. He stated this two lane road was currently at a 55 mph speed limit and he has been trying to get it lowered to 45 mph. He declared with the additional traffic and development, the traffic will be horrendous.

Mr. Hitt said with regards to the development of Kelly Park Road, it was dictated by the Expressway Authority when they put the interchange in this area. The interchange ends up

creating the traffic flow. He said a lot of this was addressed in the Form-Based Code in regards to the development and what can or cannot go near the road. He stated it will more than likely be developed to four-lanes toward the east as development occurs.

Ruth Clark said everyone here was talking about this encompassing one mile, but in looking at the newspaper it states 7.5 miles. She said she was in the county and can see Kelly Park Road from her property.

After looking at the paper and what Ms. Clark was referring to, Mayor Kilsheimer stated this was a letter to the editor and was not reporting by The Apopka Chief. It was reiterated that this was a one mile radius and would only apply to property within the city limits.

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

MOTION by Commissioner Velazquez and seconded by Commissioner Becker, to approve Ordinance No. 2576 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

9. **Ordinance No. 2577 – First 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.

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 approve Ordinance No. 2577 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

10. **Resolution No. 2017-09 – Non-exclusive franchise for roll-off container collection and disposal of waste.** The City Clerk read the title as follows.

RESOLUTION NO. 2017-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO COMFORT HOUSE INC., TO PROVIDE “ROLL-OFF” CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA,

FLORIDA, PURSUANT TO CITY OF APOPKA CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FRO THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING 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 approve Resolution No. 2017-09. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

Commissioner Dean said he would like to see two medians on State Road 441 landscaped, one in front of Bank of America and one further up.

Commissioner Bankson thanked the Apopka Police Department for doing a great job when his home was entered by unwelcomed guests. He also said when providing additional information, he would like to know the actual costs of having officers versus the red light cameras.

MAYOR'S REPORT

Jim Hitt introduced Richard Earp, City Engineer, who came to the City from Wantman Group. He also has worked for Orange County and Osceola County.

ITEMS NOT REQUIRING ACTION

1. Thank you letter from Police Captain Call to Public Services employee Michael Todd.
2. Thank you email from the Central Florida Christian Chamber to the Public Services, Grounds Division.

ADJOURNMENT – There being no further business the meeting adjourned at 5:45 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk