

CITY OF APOPKA

Minutes of the regular City Council meeting held on April 15, 2015, at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth
Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION – Commissioner Velazquez introduced Danyiel Hunter-Yarbrough - New Journey Youth Center at the John Bridges Center, who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said on April 18, 1775, Paul Revere and William Dawes set off on their historic ride to warn the Patriot leaders in Concord that the British troops had been dispatched to seize their arms. They rode through the countryside to Boston, and rallied the minutemen to take up arms and fight against the British with the cry “The British are coming.” Part of the long-rehearsed plan was to place lanterns in the steeple of Boston’s old North Church to alert the minutemen of the British troop movement. The quote was “one if by land, two if by sea”, and on that evening Paul Revere placed two lanterns in the steeple and the militia met the British troops at Concord at about 5:00 a.m. on April 19th. In that confrontation, the “shot heard around the world” was fired and the Battle of Lexington began the American Revolution. He asked everyone to reflect upon the vigilance and gallantry of our American Patriots as he led in the Pledge of Allegiance.

PRESENTATIONS

1. Presentation of check to Herb Besrosiers, Boy Scout Troop #211 – Chief Manley said the City reached out to Boy Scout Troup #211 during the Old Florida Outdoor Festival this year to assist in parking cars. They were offered a dollar for each parked car. He presented Victor Esposito and Christian Lamphere a check in the amount of \$4,097.90.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on March 18, 2015 at 7:00 p.m.
2. Approve the minutes from the regular City Council meeting held on April 1, 2015 at 1:30 p.m.
3. Authorize the purchase of ten vehicles for the Police Department, seven vehicles from Don Reid Ford in the amount of \$166,520.00, and three vehicles from Mullinax Ford in the amount of \$71,767.76.
4. Authorize the purchase of five vehicles for the Public Services Department, from Don Reid

Ford in the amount of \$112,688.00, and three vehicles from Duval Ford in the amount of \$76,001.00.

5. Authorize the purchase of one vehicle for the Fire Department, from Mullinax Ford in the amount of \$30,526.00, and an additional \$1,350.00 for a dealer installed topper cap.
6. Authorize the amendment to the Interlocal Agreement for dispatching services between the Town of Eatonville and the City of Apopka.

MOTION by Commissioner Velazquez and seconded by Commissioner Ruth to approve the six items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

REGULAR AGENDA

1. Authorize funding for the City of Apopka's Summer Job program, in the amount of \$29,040.00, and an additional \$960.00 for administrative costs.

Mayor Kilsheimer said there has been a desire for the City to allocate funds for a summer jobs program. There was presentation a few weeks ago by the POPS program where they proposed hiring 30 youth for approximately \$65,000. Dr. Jackson, the new Grant Coordinator, was asked to investigate, based on research done by Merry Lovern, on how the City could put together a jobs program. He explained this proposed program is a partnership between the City of Apopka and Career Source Central Florida, which is a regional job agency.

Ike Powell, Director of Strategic Operations, Career Source Central Florida, said they are looking forward to partnering with the City of Apopka and Valencia College to implement the Apopka Youth Works Program. He stated this was a low cost, limited pilot program to be able to serve 32 youth of Apopka, 12 of which will be funded by the City. He said to better prepare youth for the workforce, their program also includes leadership development as well as occupational skills with a meaningful work experience. Students will be earning \$8.25 an hour over a 7 week period working 30 hours per week.

In response to an inquiry by Commissioner Arrowsmith with regards to insurance coverage, Mr. Irby advised employees or volunteers the City takes on are automatically covered under our umbrella of workers compensation.

Suzanne Kidd commended Mayor Kilsheimer and staff for listening to pleas for summer jobs for Apopka youth that have echoed out over many City Council meetings these last few months. She stated that she checked the account number in the budget and the funding was coming from the Mayor's office budget which clearly demonstrates he is listening to the needs of Apopka citizens and actively searching for ways to help where possible.

Ray Shackelford commended Mayor Kilsheimer and staff for exploring the possibility of funding a summer program for our young people. He said by helping young people, they are also helping families. He asked that our young people be kept in mind during the budget process.

MOTION by Commissioner Velazquez and seconded by Commissioner Ruth to approve funding of the City of Apopka's Summer Job Program at a cost of \$30,000. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS – No Special Reports or Public Hearings.

ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 2386 – SECOND READING - CHANGE OF ZONING - Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21- 28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00- 023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28- 0000-00-073, and 03-21-28-0000-00-119)**

Mayor Kilsheimer announced this was a quasi-judicial process. The City Clerk read the title as follows:

ORDINANCE NO. 2386

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, EAST OF USTLER ROAD, COMPRISING 58.23 ACRES, MORE OR LESS AND OWNED BY FLORIDA LAND TRUST #111 - ZDA AT SANDPIPER, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Affected parties, staff, and witnesses planning to give testimony were sworn in by the City Clerk.

Commissioner Arrowsmith disclosed he had had discussions concerning this project with Lou Haubner.

David Moon, Planning Manager, said the Sandpiper PUD zoning and master plan incorporate all of the City Council concerns from the first reading and are ready for final action by City Council.

Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor, and Reed Law Firm, representing the applicant, said they have presented a lot of testimony previously and she had nothing additional to add. They are in agreement with staff's recommendation and the decision made by Council on First Reading. She stated they would appreciate the same decision on Second Reading, approving the project with the plan before Council this evening. She said she would be happy to respond to any questions.

Mayor Kilsheimer opened the hearing to anyone wishing to speak in favor of the ordinance.

Crystal Lawrence, President of Wekiva Preserve HOA, said they were in favor of the project, stating all their residents were aware of this proposed plan. She declared they have had a good experience working with the developer and feel this is a good development.

Lou Haubner said while he would love to see 1-5 acre lots, the option being presented is the best option they have and will be good for the area.

David McGee said they were describing a 30-foot buffer and inquired what marked this buffer. He stated he was for the proposal.

Mr. Moon pointed out the buffers on the plan and said it was his understanding from prior meetings this 30-foot buffer will be left in its current natural vegetative state. New trees will be planted in the rear yards of the developed lots in this area.

Mayor Kilsheimer opened the hearing to anyone wishing to speak against the ordinance.

Mary Smothers said she was not speaking for or against the project, but stated they have all worked long and hard. She stated they were in agreement, but not necessarily happy with this and stated she was disappointed in some ways and did not feel like they had gained much.

Jerry Smothers said he has lived in the area his entire life and never envisioned when he bought here that this would be across the street. He declared he did not agree with this PUD. He stated there were only 26 developable acres and there should only be 26 homes.

Ms. Fitzgerald said she would suggest the city is receiving a lot of benefit from this project and it will be good for the city. This will be a gated community and will not be a detriment to the area and they are confident this will be a development all will be proud of. She said they appreciate all of the work the city and staff have put into this and they would appreciate support and approval tonight.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2386, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

Ms. Fitzgerald affirmed the applicant withdraws Ordinance No. 2405.

2. ORDINANCE NO. 2388 – SECOND READING & ADOPTION - Amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.” [Ordinance No. 2388 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2388

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED “DESIGNATED GROW AREA OVERLAY DISTRICT”, PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A “DESIGNATED GROW AREA OVERLAY DISTRICT” AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICT OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.

David Moon, Planning Manager, said at the first reading on April 1, 2015, City Council agreed to amend the ordinance to add language that could expand the designated grow areas. He advised that since that meeting staff has had the opportunity to further research the impact of the amended language to the City of Apopka and has determined it would have a negative impact upon the City. He presented optional language that would accommodate property owner’s concerns that were raised at the first hearing, as well as the need to protect the interest of the City. He advised the State was still debating the administrative rules and one of the initial rules that have continued for some time is that a grower must have 30 years of continuous experience as a licensed nursery operator in the State of Florida. He affirmed this rule is being challenged and may be amended by the legislature or there may be a law case that will reduce this. He reviewed maps showing potential growers that would qualify outside the designated grow area if this rule is amended. He declared staff recommends deleting the language Council accepted on April 1, 2015 and amend it by adding a definition for a Legacy Grow Site which is a property actively operated as a registered nursery within

a Designated Grow Area for at least five continuous years preceding and measured from the effective date of this ordinance. He said based upon the last meeting and Council's position to consider expanding the grow areas, staff met and felt it would be better to take the Hermit Smith/Hogshead grow area and expand the boundary eastward just to the east side of Binion Road.

Commissioner Ruth said he had requested at the last meeting that the word "morals" be stricken, to which Mr. Moon advised it was not part of the motion, therefore, it had not been removed.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to strike the word "morals" from the ordinance.

Suzanne Kidd said she spoke at the last Council meeting of the need to strike the word "morals" from the second whereas clause in the ordinance. She supported the need for the ordinance, but did not feel the city had a duty to regulate the morals of its citizens.

Gary Blumenstein also spoke agreeing this language should be stricken.

Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

Mayor Kilsheimer opened the meeting to a public hearing.

Kenneth Sumner said he owned property on Binion Road and said he appreciated the City changing the boundaries, but the original language included all qualified nurseries in the City of Apopka and this new language excludes those nurseries. He affirmed that he took exception to the proposed 5 years in this proposed language.

Mr. Moon said further research was conducted by staff and that research determined there was potential that the State legislature may change its rules or through law cases that the 30-year rule may no longer apply, deeming it to be discriminatory. He stated 5 years had been discussed by the legislature.

Pedro Bancorp said he was interested in this, but has not been in business the required amount of time. He has been in Apopka his entire life, but there was no way anyone like himself could purchase a section of land in the designated area and startup his own business.

David Moon read a letter from Kerry L. Herndon, President of Kerry's Nursery, Inc. into the record, as Mr. Herndon was unable to attend the meeting. This letter was requesting an amendment with regards to the 1,000 foot distance between a place of cultivation, process, or distribution and a religious facility. A copy of this letter will be filed with the minutes.

Mr. Sumner inquired why they chose to omit POI which has doctor's offices and medical facilities within the zoning, and why it was chosen to omit a dispensary.

Mr. Moon said typically the professional office institutional is a zoning category that is more commonly placed adjacent to residential neighborhoods, whereas industrial and agriculture has more separation. He advised being within a designated area is not a right, and a special exception permit still must be approved by the Planning Commission and if denied, the applicant has the right to appeal to the City Council.

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

Mayor Kilsheimer said the whole purpose of this is to focus and concentrate the cannabis growing facilities in industrial or agriculture areas so that residential and commercial developers know where these areas are located. He said there had been some discussion to carry this ordinance over for a third reading.

Cliff Shepard, City Attorney, advised if Council approves staff's recommendation, this ordinance falls into a unique category. He said the Florida Supreme Court has opined that if you change an ordinance title, then that is a good indication there should be another reading of the ordinance. He affirmed the substance of the ordinance can be changed, as long as the title accurately reflects what the ordinance content is. If moving forward on staff's recommendation, the map will be amended, therefore, as a precaution he would recommend a third reading be held.

Mayor Kilsheimer summarized that Council has voted to remove the word "morals" from the ordinance and staff recommends deleting the language approved at the last meeting, adding the definition for Legacy Growers and also to accommodate Mr. Herndon's concern to either change the distance to 500 feet, or to add language "as accessed by the road" in the appropriate place in order to avoid the conflict with the seminary on US 441.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve Ordinance No. 2388 on Second Reading and hold it over for a Third Reading as proposed. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

3. ORDINANCE NO. 2413 – SECOND READING & ADOPTION - 2015-2 ADMINISTRATIVE REZONING – From "County" A-1 (ZIP) to "City" AG (1 du/5 ac) for certain real properties generally located within the city limits of Apopka, comprising 274.64 Acres, more or less, and owned by Always Growing Trees, Inc.; Chester S. Peckett Trust; Peckett Family Trust; Christopher Johnson; David and Sue Hill; Donald and Debra Kirkland; DRK Inc.; Earl Gaylon Ward Estate; Franklin and Jacqueline King; J and L Gardenias, Inc.; James and Linda King; Joseph and Donna Cox; Kenneth and Harvey Morris; Patricia Bartlett; Project Orlando LLC; Robert Brantley; Rockwood Groves LLC; Shirley Dobbs; T. O. Mahaffey Jr.; and William M Duval Trust. [Ordinance No. 2413 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2413

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICUTLTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 274.64 ACRES, MORE OR LESS, AND OWNED BY ALWAYS GROWING TREES, INC., CHESTER S. PECKETT TRUST, PECKETT FAMILY TRUST, CHRISTOPER JOHNSON, DAVID AND SUE HILL, DONALD AND DEBRA KIRKLAND, DRK INC., EARL GAYLON WARD ESTATE, FRANKLIN AND JACQUELINE KING, J AND L GARDENIAS, INC., JAMES AND LINDA KING, JOSEPH AND DONNA COX, KENNETH AND HARVEY MORRIS, PATRICIA BARTLETT, PROJECT ORLANDO, LLC., ROBERT BRANTLEY, ROCKWOOD GROVES LLC, SHIRLEY DOBBS, T.O. MAHAFFEY JR., WILLIAM M. DUVAL TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, 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 Ruth, and seconded by Commissioner Velazquez to adopt Ordinance No. 2413. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. ORDINANCE NO. 2414 – SECOND READING & ADOPTION - 2015-2 ADMINISTRATIVE REZONING – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for certain real properties generally located within the city limits of Apopka, comprising 23.78 Acres, more or less, and owned by John and Joanne Ault; Beverly Safier; Donald and Donna Thomas; and Phillip and Peggy Dionne. [Ordinance No. 2414 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2414

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 23.78 ACRES, MORE OR LESS, AND OWNED BY JOHN AND JOANNE AULT, BEVERLY SAFIER, DONALD AND DONNA THOMAS, AND PHILLIP AND PEGGY DIONNE; PROVIDING FOR DIRECTIONS TO

**THE COMMUNITY DEVELOPMENT DIRECTOR, 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 Ruth, and seconded by Commissioner Velazquez to adopt Ordinance No. 2414. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. ORDINANCE NO. 2415 – SECOND READING & ADOPTION – Amending the City of Apopka, Code of Ordinances, Section 2, Division 2, Chapter 2 to create Subsection 2- 123 entitled – Pass-Through Fees. [Ordinance No. 2415 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2415

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES, PART II, CHAPTER 2, DIVISION 2, SECTION 2, BY ADDING SUBSECTION 2-123 ENTITLED “PASS-THROUGH FEES;” PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING 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 Ruth, and seconded by Commissioner Velazquez to adopt Ordinance No. 2415. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [NOTE: Council tabled Ordinance No. 2405 until the April 15, 2015 meeting.]

Ordinance No. 2405 was withdrawn by the applicant.

ORDINANCE NO. 2405

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” R-1AAA (0-2 DU/AC); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, AND EAST OF USTLER ROAD, COMPRISING 58.23 ACRES MORE OR LESS, AND OWNED BY FLORIDA LAND TRUST #111, C/O ZDA AT SANDPIPER, LLC, TRUSTEE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

7. ORDINANCE NO. 2416 – FIRST READING - Moratorium – To establish a moratorium on the issuance of building permit and/or the receipt of preliminary or final development plan submittals for restaurants or food service operations with drive through lanes or drive-in service, such moratorium to extend until January 7, 2016. The City Attorney read the title as follows:

ORDINANCE NO. 2416

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING A MORATORIUM UNTIL JANUARY 7, 2016 ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING, PERMITS, SITE PLANS, DEVELOPMENT ORDERS, AND LAND USE ACTIVITIES WHICH WOULD ALLOW OR PERMIT CONSTRUCTION OF DRIVE-THROUGH OR DRIVE-IN RESTAURANT FACILITIES WITHIN THE CITY OF APOPKA DURING THE COURSE OF COMPLETION OF A STUDY AND POTENTIAL ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE AND DEVELOPMENT DESIGN GUIDELINES; PROVIDING EXEMPTIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR POSSIBLE EXTENSION OF THIS ORDINANCE; PROVIDING FOR ADMINISTRATIVE/QUASI-JUDICIAL VESTED RIGHTS REVIEW PROCEDURES; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

David Moon, Planning Manager reported the proposed ordinance is a temporary moratorium on final development, preliminary development applications, and building permits for restaurants with a drive-through. This will allow staff to evaluate site impacts from fast food restaurants and the effectiveness of the City Development Standards presently on this type of development. The quantity of fast food restaurants has been raised

by residents as a concern and the moratorium period occurs during the community-wide visioning process. He associated public safety issues and stated this is temporary, ending on January 7, 2016. The Planning Commission recommended favorably of adopting the ordinance at their April 14, 2015 meeting with a 4/2 vote.

Commissioner Arrowsmith said we operate under the free enterprise system and these businesses have experts study locations that are market driven. He said this was not something he could support.

Commissioner Dean said these were the businesses that bring work for our youth and senior citizens.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid spoke against the moratorium and said it was antibusiness, when we are trying to get businesses to come here. She stated this could cause someone to lose the sale of their property.

Lou Haubner said he was not so sure this was not a property rights issue and agreed it could cost someone the sale of their property.

Ray Shackelford said when he goes to these restaurants he sees young people working and asked what this would do to them.

Suzanne Kidd said she understands the comments made so far, but she also finds it rich that every time a fast food place come up for approval there are comments with regards of not having any more fast food restaurants. She reiterated that we will be embarking on a seven month visioning process for the community and during that time the citizens will have an opportunity to speak on how the City of Apopka should develop moving forward. She stated this moratorium would be in place for 6 months, so even if a business was to submit an application to develop, it will probably take that full period of time to have plans done and submitted, so no one's business should be hugely affected during that time. She declared she was in favor of the moratorium.

Ray Shackelford said he, like all of us, wants to see progress in the City of Apopka. However, at the same time we cannot forget the people and must explore options to keep the jobs on the front burner for our young people and senior citizens.

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

Mayor Kilsheimer said he felt it was a reasonable idea to take a breather on the issue of fast

food restaurants with drive-through service. He stated during his campaign a year ago, the notion that Apopka had so many fast food restaurants was a huge issue he heard from the residents as he knocked on doors. He said one of the things they hear during council meetings as businesses submit applications and they meet the rules, there is no basis to deny it. This breather will provide an opportunity to catch up with the rules and the market place that is emerging in Apopka. The purpose of this moratorium is to provide time to our staff and citizens talk about how they want Apopka to grow in the future.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to approve Ordinance No. 2416 at First Reading and hold it over for a Second Reading.

Shirley Squires suggested they take the applications and start the process, then deny it if they decide against that development. She stated we should not have a moratorium city.

Motion carried by a 3-2 vote with Mayor Kilsheimer, and Commissioners Velazquez, and Ruth voting aye and Commissioners Arrowsmith and Dean voting nay.

8. RESOLUTION NO. 2015-10 - Amending the budget for fiscal year beginning October 1, 2014 and ending September 30, 2015. The City Clerk read the title as follows.

RESOLUTION NO. 2015-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, PROVIDING FOR A BUDGET AMENDMENT

Glenn Irby said in September 2014 the City Council ratified and adopted the current fiscal year budget. During that month, there were several outstanding purchase orders or construction projects. He explained that when the year turned over and became Fiscal Year 2015, these items were not brought forward. The revenue streams were in place, but the budgets were not put in place. This budget revision sets forth the money that is already there and places it in the proper line items so it can be expended. Staff recommends approval of the Resolution and stated it is how to do budget revisions pursuant to State Statute.

MOTON by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Resolution No. 2015-10. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SITE APPROVALS – No Site Approvals.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Glenn A. Irby, City Administrator, said the report was in the agenda packet and he would answer any questions.

MAYOR'S REPORT

Mayor Kilsheimer reported in 2009 the City Council created the current Planning Commission by combining the former Planning and Zoning Commission and the former Land Development and Review Board. There were a number of people on these committees that became part of the Planning Commission. The ordinance that was passed at that time stated those individuals were supposed to serve 3 year terms. He said we need to get back on a regular schedule of holding the Planning Commission members to 3 year terms.

1. Removal from Planning Commission - Mallory Walters

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to ratify the removal of Mallory Walters from the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

2. Ratify Appointment to Planning Commission - Melvin Birdsong

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to ratify the reappointment of Melvin Birdsong to the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

3. Ratify Appointment to Planning Commission - James Greene

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to ratify the reappointment of James Greene to the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

4. Ratify Appointment to Planning Commission - Jeremiah Jaspon

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to ratify the appointment of Jeremiah Jaspon to the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

5. Ratify Appointment to Planning Commission - Linda Laurendeau

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to ratify the appointment of Linda Laurendeau to the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

OLD BUSINESS

COUNCIL – There was no old business from the Council.

PUBLIC – There was no old business from the Public.

NEW BUSINESS

COUNCIL

Commissioner Velazquez said she had asked David Moon earlier today about the building or paving of roads. He advised her that Jean Jreij was in charge of these projects. She inquired if there was any way the Council could have input, giving Lester Road as an example.

Mayor Kilsheimer said the City has a Capital Improvement Plan that is built into the budget. He stated it was his goal to have a full discussion regarding this prior to approval of the next Fiscal Year Budget.

Commissioner Dean inquired if the Police Department had body cameras for the police officers.

Chief Manley responded in the affirmative. He advised we had purchased 33 body cameras with a grant last year. This required building our own system with a server to be able to capture the data. This is all in place and he explained at this point they are waiting on the policy to put out to the officers on how to use the cameras. He declared there is a task force committee the Police Chiefs put together for the purpose of creating this policy so they are all following the same policy. The cost for a camera is \$500 - \$600 and we have 90 officers. He explained the plan is to do a few at a time to make sure they are working properly.

In response to Mayor Kilsheimer inquiring if we have enough storage for each officer to have a body camera, Donald Kahrs, IT Director, advised we have allocated enough storage for 90 cameras over a 4 year period.

Commissioner Ruth said he did an analysis on Item 3 of the Consent Agenda. He stated he would like to move to have the 1% incentive City pricing for local businesses be changed to 3%, stating that out of the 20 vehicles, Mullinax missed 11 of the 18 vehicles by 2.2% and this could have been money disbursed within the City.

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to direct staff to investigate and prepare a proposal to amend the local preference ordinance to increase the percentage to 3%. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

PUBLIC

Suzanne Kidd said she agreed whole heartedly that we need the body cameras for all of our officers. However, she said protocols also need to be established regarding when the cameras are used or when officers have permission to turn them off. She suggested they be required to use them at all times. She stated the State legislature is trying to pass a bill that will place limits on how easy it is for the public to view this data.

Chief Manley advised this will all be covered in the policy. He said some cities have backed off using them, but we are moving forward with them. He declared the officers will be educated prior to their use.

Michael Cooper said he hopes the legislature does pass this bill, as the public does not need to see everything that is going on.

Ray Shackelford said had these videos not been seen in certain incidences, we may have never known the truth. He stated, on another note, it would be nice if the City of Apopka had a splash pad in a centralized location like the one in Winter Garden.

ADJOURNMENT – There being no further discussion, the meeting adjourned at 9:25 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk