

CITY OF APOPKA

Minutes of the regular City Council meeting held on April 1, 2015, at 1:30 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 Andrew Hand
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION – Commissioner Dean introduced Reverend Gerard Moss, St. Paul AME Church, who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said on April 2, 1513, near present day St. Augustine, Spanish explorer Ponce de Leon made landfall on the Florida coast and claimed the territory for the Spanish crown. He named the new land, which he believed to be an island La Florida (LAH flow REE dah), because the discovery came during the time of the Easter Feast. Ponce de Leon returned seven years later to establish a colony, but retreated to Cuba when his expedition was attacked by Native Americans. A successful Spanish colony was not established until some 44 years later in 1565, and in 1819 the Territory passed to U.S. Control as part of the Florida Purchase Treaty between Spain and the United States. He asked everyone to reflect upon the bravery and pioneering spirit of Florida's early explorers and settlers as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

- 1. Lawrence “Larry” Brown – Public Services/Sanitation – Fifteen Year Service Award -** Larry began working for the City on March 13, 2000, as a Solid Waste Worker II. On June 16, 2007, he was reclassified to Sanitation Equipment Operator, which is his current position. Larry was not present and his award will be presented to him at another time.
- 2. Anastacio Navarro – Public Services/Sanitation – Fifteen Year Service Award -** Anastacio started working for the City on March 27, 2000, as a Solid Waste Worker II. On June 16, 2007, he was reclassified to Sanitation Equipment Operator, which is his current position. Anastacio was not present and his award will be presented to him at another time.
- 3. Carl Jones – Public Services/Administration – Twenty-Five Year Service Award -** Carl began working for the City on March 28, 1990, as a Laborer I in the Water Department. On September 28, 1993, his title changed to Utility Service Worker I and he moved to Utility Maintenance. Carl's title changed to Utility Service Worker II on January 12, 1994. On August 10, 1998, Carl transferred to Public Services Administration as Warehouse Worker I. Carl was then reclassified to Purchasing & Supply Specialist on October 2, 2000, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Carl on his years of service to the City.

PRESENTATIONS

1. National Telecommunicator's Week Proclamation – Mayor Kilsheimer read the proclamation recognizing Public Safety Telecommunicators week and presented it to Donna Saladin, Communications Director, and staff.
2. Water Conservation Month Proclamation – Mayor Kilsheimer read the proclamation recognizing Water Conservation Month and presented it to Jean Jreij, Public Services Director.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on March 4, 2015, at 1:30 p.m.
2. Approve the minutes of the Administrative Bid Opening No. 2015-01 for Gasoline & Diesel Fuel held on February 25, 2015, at 10:15 a.m.
3. Approve the minutes of the Administrative Bid Opening No. 2015-02 for Community- Wide Visioning Process held on March 25, 2015, at 3:15 p.m.
4. Approve the final one-year extension of the annual contract, with Shelley's Environmental Systems, for the wastewater residuals transport and disposal at a cost of \$40.00 per cubic yard.
5. Ratification of the committee assisting in the selection of a firm to perform the Community-Wide Visioning Process.
6. Approve the Disbursement Report for the month of March, 2015.

MOTION by Commissioner Ruth and seconded by Commissioner Arrowsmith to approve the six items on the Consent Agenda.

Commissioner Dean complimented Mayor Kilsheimer on the selection committee under Item 5, stating this was a superb job. However, he felt every person appointed to this committee was well aware of the problems, concerns, and needs of the city and he suggested the committee members conduct the study rather than spending this money on that process.

Mayor Kilsheimer said visioning is a very intensive process driven by people who are experts in planning that facilitate discussions within the community on where and what direction the residents want the city to move. He pointed out this is a citywide study.

Commissioner Arrowsmith inquired if this would come back to Council prior to any contracts being awarded, to which Mayor Kilsheimer responded in the affirmative.

Commissioner Arrowsmith requested Item 4 be voted on separately, as they are clients of the bank.

Motion carried unanimously for Items 1, 2, 3, 5, & 6 with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

MOTION by Commissioner Ruth and seconded by Commissioner Velazquez to approve Item 4 on the Consent Agenda. Commissioner Arrowsmith said he would be abstaining on Item 4, as they are clients of the bank and he will file a Form 8B. Motion carried unanimously with Mayor Kilsheimer and Commissioners Dean, Velazquez, and Ruth voting aye and Commissioner Arrowsmith abstaining.

REGULAR AGENDA

1. Award the contract to Reiss Engineering, Inc., to perform water, sanitary sewer and reclaimed water, impact fees and rates update study and bond engineers report, in the amount of \$66,819.00, and approve a contingency fund in the amount of \$6,600.00.

Jean Jreij, Public Services Director, gave a brief overview of the proposal to perform a rate study for water, sewer, and reclaimed water and impact fees. He advised the last time this study was performed was in 2008. He requested awarding the contract to Reiss Engineering, Inc. as presented.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to award the contract to Reiss Engineering, Inc. as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. Authorize the execution of the interagency agreement, between the City of Apopka and the Seminole County Sheriff's Office, to transition to the CAFEWEB Computer Aided Dispatch System.

Chief Manley said they are currently working with software that is outdated and is hindering the way we police our community today. He advised they worked with Global, the company that purchased Cisco, for close to a year and a half. The Seminole County Sheriff's Department has created a Café web computer aiding dispatch system (CAD) that is used by them and every municipality within Seminole County. It has been offered to municipalities that connect to Seminole County. He advised Winter Park has been using this system for one year and are very pleased with it. Also, Maitland and Eatonville have gone to this system. He advised APD currently dispatches for Maitland and Eatonville and if we do not switch to this system that will be taken over by Winter Park as we will not be compatible. He advised this item was for the startup with this system and they will possibly have some items to add on. Staff recommends Council direct the City Administrator to execute the necessary documents with SCSO to enable transition of Computer Aided Dispatching and related ancillary services.

MOTION by Commissioner Ruth and seconded by Commissioner Velazquez to approve transitioning to the CAFÉ Web Computer Aided Dispatch system. 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. 2411 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT** – McCarthy McCollough, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000- 00-003) [Ordinance No. 2411 meets the requirements for adoption having been advertised in The Apopka Chief on March 20, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2411

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF FOLIAGE WAY, COMPRISING 8.44 ACRES MORE OR LESS, AND OWNED BY MCCARTHY MCCOLLOUGH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Ruth, to adopt Ordinance No. 2411. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

- 2. ORDINANCE NO. 2412 – SECOND READING & ADOPTION - CHANGE OF ZONING** – McCarthy McCollough, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) and RCE-1 for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000-00-003) [Ordinance No. 2412 meets the requirements for adoption having been advertised in The Apopka Chief on March 20, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2412

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) (6.44 AC) AND RCE-1 (RESIDENTIAL) (2.0 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF

WEST KELLY PARK ROAD, EAST OF FOLIAGE WAY (1505 W KELLY PARK RD.), COMPRISING 8.44 ACRES MORE OR LESS, AND OWNED BY MCCARTHY MCCOLLOUGH; 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 Velazquez, and seconded by Commissioner Ruth, to adopt Ordinance No. 2412. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

- 3. ORDINANCE NO. 2386 – FIRST 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) 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.

David Moon gave a brief overview of this project summarizing this PUD which will accommodate 49 single family residential units. Within the ordinance, there are two plans that could be adopted by City Council, under Exhibit A and Exhibit C. He advised both were previously denied by City Council and it is back for reconsideration. He declared since this ordinance was advertised and the agenda packet sent out, the applicant has coordinated with various interested parties regarding changes that could address the concerns of the adjacent and nearby property owners. The applicant, Mr. Goldberg, based on input from others, has made revisions to the plan and has submitted a third option. Mr. Moon reviewed the changes as presented in this third option, being referred to as Exhibit E. Among the 49 lots, 24 are above 21,780 square feet and 25 are below 21,789 square feet. He stated the Development

Review Committee reviewed this new plan and found it to be consistent with the Land Development Code and can recommend approval of this plan, as it did with the two previous plans.

Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed Law Firm, representing the applicant, strongly encouraged Council to accept Exhibit E that was just presented. She advised since the last Council meeting, there have been a number of discussions with the neighborhood and a meeting held with approximately 20 people from Oak Water Estates being present. She advised they feel this is a plan that resolves a number of the prior issues and also makes it economically viable. This is a compromise plan and they think in the spirit everyone has been working toward. She advised this will be a gated community that will be good for the City and the neighbors.

Mayor Kilsheimer opened the meeting to a public hearing.

Jack Allen said his property directly backs up to the property for this project and stated that he does not support any rezoning on this property. His property is 1.3 acres and said he did not buy into a neighborhood being by his house. He stated there is a steady stream of coyotes, bear, fox, and many generations of Cooper hawks that are all using this property. He affirmed he did attend a small meeting at Mr. Haubner's office and there was some discussion of bringing in a person from St. John's Water Management District to consult on the flood plain and inquired if that happened.

Mayor Kilsheimer said it was his understanding residents were invited to go to the Water Management District office earlier this week.

Jill Cooper said she would prefer to see the smaller footprint approved in Plan A that sets aside 15 acres for wildlife and trees. She stated she appreciates seeing the larger lot concepts, but this would only be more land built upon.

Doug Bankson said after all the debate he would like to speak in favor, stating after they all met, this seemed to be a compromise. As for his personal property, Plan A would be better for him, but not for the east end, but not the west end. He stated Plan E does seem to be the most reasonable compromise and fair to all. He said he appreciated the willingness of the developer to listen to all of their concerns.

Ellen O'Connor said she agrees with supporting the original Plan A versus the other two plans presented. Her main concern is with the amount of land being developed to the west and the affect it will have to the lakefront and wildlife in the area.

Mary Smothers provided a handout providing some suggested changes to a few lots to the

end of the west side. She said she was favoring Exhibit E stating it was a good compromise. She declared not everyone was going to be able to be pleased around this development since it is so large.

Lou Haubner said he held a meeting at his office a few weeks ago with the developer and seven to eight surrounding property owners attending. He said that Exhibit E was a great option. He recommended approval of Exhibit E and felt most of the neighbors were satisfied with this plan.

Ms. Fitzgerald affirmed they were not in agreement with Ms. Smothers suggested changes. She stated Ms. Smothers was present at the meeting previously referenced and they cannot continue to tweak and shift lots. She again asked that Council accept the compromised Plan E as presented and they will work on development standards with staff prior to the next reading.

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

MOTION by Commissioner Arrowsmith and seconded by Commissioner Dean to approve Ordinance No. 2386 at First Reading with Exhibit E, and carry it over for a Second Reading.

Commissioner Velazquez said their concern was having the open space and with the new Exhibit E, they are getting 12 acres of open space.

Commissioner Arrowsmith thanked staff for their patience and for working through this with the public.

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

4. **ORDINANCE NO. 2388 – FIRST READING** - 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.” 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 said the proposed ordinance was presented to City Council at the end of last year for review and pending law suits against the State regarding administrative rules for medical marijuana, the decision was made to table that ordinance until the State adopted administrative rule. He advised the administrative rules by the State have been accepted and it is now time for this to reappear before Council. Due to the length of time, the City Attorney and staff felt this should be treated as a new ordinance. Based on the changes to the administrative rules for the State and the relationship on this ordinance, the only change made to the ordinance was that within the two Designated Grow Areas the new condition, as generally recommended by the Planning Commission, was to limit the number of dispensaries to five. He affirmed the ordinance being presented requires a special exception to be obtained by any applicant to grow, sell, or process medical marijuana in the two designated areas. He reviewed the map for the Designated Grow Areas stating primary zoning within those areas is industrial and agriculture. Due to the zoning there is less of a threat of residential development occurring in those two areas. He stated they have covered most of the issues to ensure that there isn't going to be a public health safety or welfare issue and no effect to property values of residential areas, as well as concerns religious facilities may have with proximity to their sites. Staff recommendation and the Planning Commission recommendation are to approve this ordinance.

Commissioner Arrowsmith said he keeps hearing the rules have not been set at this point, but what he is hearing from Mr. Moon is that they have been finalized.

Mr. Moon advised there is a chance the rules will be challenged.

Commissioner Arrowsmith said Mr. Sumner has property that meets the same criteria as the other two zones and he should not be left out of this opportunity. He declared we should find a way to accommodate Mr. Sumner, whose family has owned property there for over 50 years.

Discussion was held regarding other nurseries that meet the criteria, but are not in the designated grow area.

Mayor Kilsheimer opened the meeting to a public hearing.

Kenneth Sumner provided a handout and said he owns property at 27 Binion Road. He said

his location is excluded from the grow areas as designated in the ordinance. He stated there has not been any formal ruling from the Health Department and no official designation of a law from the legislature. He reviewed the location of his nursery and requested the proposed ordinance be amended so not to exclude his location.

Suzanne Kidd said she had no problem with the ordinance and the City having an interest in controlling this. Her point was with the working of verbiage and suggested the word “morals” be excluded from the ordinance, as morals cannot be regulated.

Heather Zabinofsky, owner of Master Growers, said she is actively involved with the State and there is currently a challenge to the current rules, as well as two other challenges that will first have hearing dates, therefore, the April 15th date will not happen. She declared, as far as odors, with the required air filters, the air going out is cleaner. She requested postponing this decision until the State has decided the challenges.

Kerry Herndon distributed the proposed rules. He said with high cannabidiol medical marijuana, there was no amount one could take that would get them high. He stated the old set of rules was challenged and this was no longer a lottery. He declared the State has made this so difficult, that only the very largest companies can possibly attempt to get a license. He anticipated this will create approximately 350 high paying jobs in Apopka and stated the City has done a great job in designating areas with this ordinance.

William Pfeiffer, Esquire, said he was representing Mr. Sumner and his nursery. He stated Apopka was one of the few municipalities on the leading edge of putting together an ordinance that makes sense. He advised SB 2066 was passed yesterday in its second committee of members. This bill takes the grow ordinances out of the cities hands and gives it to the State. He advised the dispensary ordinances would still have authority, but the location would not. He stated with regards to Mr. Sumner’s property, part of the issue was competition and Mr. Sumner would not be here unless he thought he had the ability to apply in good faith. He advised Mr. Sumner is a 50 year owner and asked that he be included in the competition. He said there will only be one nursery in the region of Central Florida.

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

Mayor Kilsheimer said the purpose of this ordinance is to focus and concentrate the growers in designated grow areas so everyone can have assurance where our growers are going to be located. He advised they are currently in areas that are primarily in agriculture and industrially zoned areas. He stated they are talking about creating districts and if adding Mr. Sumner, they would be adding a designated grower in an area that is already very residential and with more residential growth on its way.

Commissioner Arrowsmith said they have not officially heard from any other nurseries besides Mr. Sumner with regards of wanting to be included.

Ms. Zabinofsky suggested a committee be formulated to help the City come up with some of these answers. She suggested a committee would help the City with what is currently proposed and with the implementation. She stated these people are vested in the community

trying to make this industry happen in the community.

Mayor Kilsheimer said the ordinance before the Council at this time is mostly a zoning ordinance to establish areas where licensed regulated growers can conduct their operation.

David Moon said adding Mr. Sumner's property as a single property could be arbitrary and he proposed the following additional language: *Designated Grow Areas: Property operated as a registered nursery for at least thirty (30) continuous years that is assigned an Agriculture or Professional Office/Institutional zoning category. Such site must access a collector or arterial classified road.* He said if Council accepts this language, it can be included for the Second Reading of the ordinance.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve Ordinance No. 2388 at First Reading with addition of the proposed language as an additional definition, and carry it over for a Second Reading.

The following people spoke with concerns that no one should be excluded, the location north of Thompson Road and the vicinity of homes, schools, and school bus stops near any of the locations, as well as understanding this not just for the treatment of children, but adults can also benefit.

Reverend Gerard Moss - Jack Cooper - Tenita Reid

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

City Council recessed at 3:48 p.m. and reconvened at 3:53 p.m.

5. **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) [This item was continued at the March 4, 2015 City Council meeting until the March 18, 2015 meeting.] The City Clerk read the title as follows:

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.

MOTION by Commissioner Arrowsmith and seconded by Commissioner Dean to table Ordinance No. 2405 until the next meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

- 6. ORDINANCE NO. 2413 – FIRST READING - 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. 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 approve Ordinance No. 2413 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

- 7. ORDINANCE NO. 2414 – FIRST READING - 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. 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 Dean, and seconded by Commissioner Ruth to approve Ordinance No. 2414 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

- 8. ORDINANCE NO. 2415 – FIRST READING** – Amending the City of Apopka, Code of Ordinances, Section 2, Division 2, Chapter 2 to create Subsection 2-123 entitled "Pass-Through Fees." 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.

Glenn Irby, City Administrator, said a similar ordinance was developed by our City Attorney for the City of Maitland and this ordinance allows holding an escrow account up to \$5,000 dollars paid by the developer or applicant to be used for the payment of any outside consultant or attorney for any work the City may need to have done above and outside what

we can do in-house.

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 Ruth to approve Ordinance No. 2415 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

9. **RESOLUTION NO. 2015-09** - Authorizing the issuance and execution of a promissory note with Whitney Bank D/B/A Hancock Bank in the aggregate principal amount not to exceed \$1,000,000 for the acquisition of various public safety vehicles including a fire heavy rescue truck, a fire replacement 4x4 vehicle and ten police vehicles. The City Clerk read the title as follows:

RESOLUTION NO. 2015-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ACCEPTING A PROPOSAL OF WHITNEY BANK, d/b/a HANCOCK BANK TO PROVIDE THE CITY WITH A LOAN IN ORDER TO FINANCE THE ACQUISITION OF VARIOUS PUBLIC SAFETY VEHICLES; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE PURSUANT TO SUCH LOAN AGREEMENT IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,000,000 IN ORDER TO EVIDENCE SUCH LOAN; AUTHORIZING THE REPAYMENT OF SUCH NOTE FROM A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES; DELEGATING CERTAIN AUTHORITY TO THE MAYOR, CITY CLERK AND OTHER OFFICERS OF THE CITY FOR THE NOTE AND VARIOUS OTHER DOCUMENTS WITH RESPECT THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Irby advised in the current FY Budget we have ten police vehicles and two fire vehicles that were to be purchased. It was contemplated these vehicles would be paid for by loan. An RFP was done for banking services and this went to Hancock Bank with fixed interest rate of 4.67% over a 7 year period. Staff recommends approval.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth to

approve Resolution No. 2015-09 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SITE APPROVALS – No Site Approvals.

DEPARTMENT REPORTS AND BIDS – No Report.

MAYOR'S REPORT

Mayor Kilsheimer appointed Tony Foster to the Planning Commission and recommended the ratification of this appointment by Council.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to ratify the appointment of Tony Foster 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 Arrowsmith said for clarification, he has known Mr. Sumner for 50 years and Mr. Sumner has never banked with him and there were no conflicts.

Commissioner Dean thanked Mr. Jreij and staff for taking care of the landscaping, stating it looks very nice.

PUBLIC

Ray Shackelford encouraged Council in moving forward as one community to look for funding to support jobs for our young people. He said he would like to echo Commissioner Dean in that the committee members on the Community Visioning Selection Committee have the expertise to perform that study in partnership with the City Administrator.

Ed Bowman spoke with regards to the City Cemetery and said he has been to the City Clerk's office and has met with the personnel in the Cemetery who were very professional and helpful in providing him information. He said the rules and regulations need to be enforced and suggested Council to drive through the cemetery.

Commissioner Velazquez recognized Mr. Bowman's granddaughter stating she attends Wolf Lake Elementary and her artwork is hanging in the Mayor's reception area.

Barbara Newton, President and CEO of Professional Opportunities Program for Students, and Dr. Shackelford mentioned job placement for summer youth and she would like to know what the status was from the last meeting.

Mayor Kilsheimer said he had stated we would take it under advisement. He advised he was out of the office last week and they have not had the opportunity at the staff level to review that proposal, as well as additional proposals that have been put together to evaluate.

Mayor Kilsheimer announced the Easter Egg Extravaganza is this Saturday at the Northwest Recreation Center and the Rabbit Run is prior to that at 7:00 a.m.

ADJOURNMENT – There being no further discussion, the meeting adjourned at 4:16 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk