CITY OF APOPKA

Minutes of the City Council regular meeting held on December 6, 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: Theresa Sargeant - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION – Mayor Kilsheimer introduced Pastor Kevin Goza from Trinity Baptist Church**,** who gave the invocation**.**

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said 75 years ago in the early morning hours of December 7, 1941, a fleet of 360 Japanese war planes launched a surprise attack on the American Naval Base at Pearl Harbor, Hawaii. A total of 2,400 were killed and 1,200 were wounded in the attack, and much of the Pacific fleet was rendered useless. In a radio address the following day, President Franklin D. Roosevelt remarked that it was a date which will live in infamy. America was drawn into World War II and at home and across the Nation emergency planning went into effect. The Apopka City Council held a special meeting on December 16, 1941, to formalize its emergency planning, including discussions about air raids and blackouts. Within months, the City and its residents readied the City's airfield, initiated a pilot training school, established a search light battalion, and provided land and infrastructure for housing troops. He asked everyone to reflect on the sacrifice of those who have given their lives in service to our great Nation and upon the contributions of Apopkans during the war effort as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:
1. City Council regular meeting November 1, 2017.
2. City Council regular meeting November 15, 2017.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve the minutes of November 1, 2017, and November 15, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: There were no changes.
Proclamations:
1. Mayor Kilsheimer read a proclamation declaring March 13, 2018, as the City of Apopka General Election, designating two precincts, Precinct 9104 at the Apopka Community Center, 519 South Central Avenue, and Precinct 9204 at the Northwest Recreation Conference Room,

3710 Jason Dwelley Parkway. Early voting will be held at the Orange County Supervisor of Elections office from March 5, 2018 through March 9, 2018 from 8:00 a.m. to 5:00 p.m.

Employee Recognition:

- Five Year Service Award – Nicholas "Nick" Dorazio – Police/Support Services. Nick was not present and will receive his award at another time.
- Five Year Service Award – Sean Potter – Fire/Suppression. The Commissioners joined Mayor Kilsheimer in congratulating Sean on his years of service.
- Five Year Service Award – Lynn Collette – Finance/Utility Billing. The Commissioners jointed Mayor Kilsheimer in congratulating Lynn on her years of service.
- Ten Year Service Award – Timothy "Tim" Rippon – Public Services/Streets. The Commissioners joined Mayor Kilsheimer in congratulating Tim on his years of service.
- Fifteen Year Service Award – Sean Wylam – Fire/Chief's Office (rescheduled from November). The Commissioners jointed Mayor Kilsheimer in congratulating Sean on his years of service.
- Fifteen Year Service Award – Kenneth "Kenny" Brown – Public Services/Waste Water Plant. Kenny was not present and will receive his award at another time.
- Twenty-five Year Service Award – Jeffrey "Jeff" Plaugher – Public Services/Director's Office. Jeff was not present and will receive his award at another time.

PUBLIC COMMENT

Butch Stanley said he was here to speak about Emerson Park and the private roads. He stated there has been such a development increase around their subdivision within the past few years and a lot of traffic goes through their subdivision from Marden Road to Ocoee Apopka Road. He stated originally the development was for a certain number of roads and Centex had the townhomes approved that gave more density. He said the burden has fallen on the 500 residents of Emerson Park to maintain roads that are not really private. He stated they were hoping for some help and support to alleviate some of the problem they are having with the additional projects and development coming forward.

Commissioner Becker inquired what steps Emerson Park has taken to explore putting gates on the private roadways.

Mr. Stanley advised he was the Vice President of the HOA and they have briefly looked at gates and understand the cost. He declared the front entrance was not much of a problem for gates, but the back entrance was a significant problem due to not enough space for stacking.

Mayor Kilsheimer asked what the HOA of Emerson Park was willing to do for its residents, to which Mr. Stanley said they have told the residents they would come to the City to discuss this issue. He stated they have looked at the cost of gates and would have to do a special assessment and maintain them. He indicated they have not seen the developer agreements to see who can have access to their roads.

Jim Hitt, Community Development Director, said after the last City Council meeting he met with four of the residents. He advised in exploring potential gate entrances, the entrance off of Marden Road has 275 feet of a right turn lane that can be utilized for stacking, and to the north there is

over 300 feet for stacking. The other primary entrance has a very long approach so the residents would need to determine where to gate this entrance, suggesting the gate be placed closer to the residences. He said he mapped out the potential for the Marden Road gate area and sent this to the HOA.

Mayor Kilsheimer said it was the City's recommendation the HOA explore the idea of installing gates to control traffic inside their community.

Dan Conlon said he was new to Apopka and lives in unincorporated Orange County, but he does receive utilities from the City. He stated he tried to set up an account through his bank to set up a pay to account and the City of Apopka was not recognized by the bank. He called utility billing and was told this was not an option. He requested this be set up so that he and others can pay their utilities through a primary bank payment center.

Mayor Kilsheimer requested Mr. Conlon discuss this matter with Pam Barclay, Finance Director.

Ray Shackelford said he heard the Mayor read the Election Proclamation, but he did not hear a vote of the Council, to which Mayor Kilsheimer advised this did not require a vote. He stated concerning Consent Agenda Item 4, was it legal for the City to publish an item before approval by the City Council. He encouraged the City to hold early voting in the City of Apopka, stating there were people who did not have the means to travel to the Supervisor of Elections office to vote. He stated he has noticed and observed the City updates policies, such as alcohol sales, when it is convenient to certain people and asked that all policies be updated, including the CRA. He stated he was deeply disturbed about allegations with respect to the City Police Department, stating the City has an outstanding Police Department and he applauded them for their service to the citizens. He said we cannot allow allegations to circulate that an attorney came to Apopka to make a presentation to a group of all white police officers profiling black males. He called upon Council to address those concerns.

Mayor Kilsheimer said an anonymous letter was received by all elected officials making a claim that at a training session, a presenter, who was an outside attorney, used colorful language. He stated the topic was not about profiling and the outcome of this letter is that they did determine who the speaker was and reached out to this individual and a letter of apology was requested.

Sharon Thornton, Human Resource Director, said it was discussed with the attorney and the people who arranged for the training. It has been requested that the City receive letters of apology from both parties. She advised the whole incident is under review.

Rod Love spoke of the anonymous letter regarding law enforcement and this allegation, stating he was proud this was brought to the forefront and was being addressed. He said they continued to hear him talk about diversity within our City government. He spoke of Chief McKinley's leadership and trusting his leadership. He spoke about early voting and asked if there would be any discussion to hold early voting at the Apopka Community Center, requesting this be considered. He spoke of the alcohol ordinance being reconsidered due to being outdated, stating the CRA Plan was outdated, reinstated, and referenced the same priorities.

CONSENT (Action Item)

1. Approval of the calendar year 2018 Floating Holiday.
2. Appoint Patrice Phillips to the Planning Commission.
3. Approve the purchase of a replacement net, new slide & installation of the equipment at the Kit Land Nelson Park Playground.
4. Approve a precinct map adding a new Precinct #9204, Northwest Recreation Conference Room, 3710 Jason Dwelley.
5. Approve the purchase of protective armor and equipment for the Police Department.
6. Approve the purchase of force training gear for the Police Department.
7. Authorize the purchase of new vehicles and equipment installation for the Police Dept.
8. Authorize a $12,500 expenditure from the Law Enforcement Trust Funds for investigative buys and undercover operations.
9. Authorize the City Engineer to renew the Class III Landfill Permit for Vista Landfill.
10. Authorize a second extension for the purchase of the Marshall Lake 103.3 acre site by Royal Oak Homes, LLC.
11. Authorize execution of a Sewer and Water Capacity Agreement for the Sandpiper Road Subdivision.
12. Approve Layne Inliner to install an inner-liner in the Lake Francis gravity sewer collection system.
13. Approve the purchase of a 2018 claw truck through the State of Florida Sheriffs contract for the Sanitation Division.
14. Approve Providence Construction to install an equalization pipe on the NW Recreation Center reclaimed water holding ponds.
15. Approve Reiss Engineering to provide professional design engineering and hydrogeology services for the Mt. Plymouth Lakes Water Treatment Plant (WTP) Well #4.

Discussion was held on Item 10. Item 4 was pulled for discussion and a separate vote.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve fourteen items on the Consent Agenda, pulling Item 4. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

Commissioner Bankson expressed concerns about the second precinct, stating when this was discussed he thought it was for opening two locations to make it more convenient and not segregated as far as precincts.

Mayor Kilsheimer said when they said there would be two polling places, the underlying implication of that was that there would be two precincts so to have a distinct voter roll to check off registered voters.

Commissioner Bankson questioned the division on the map, to which Ms. Goff advised when dividing, every effort is made to keep census blocks together, then subdivisions, as well as taking into consideration future growth. Commissioner Bankson spoke of early voting and said he would like to see it reconsidered.

Mayor Kilsheimer said during the budget workshops it was determined that the justification for the expense of early voting was not warranted.

Commissioner Becker agreed to inquire about early voting to determine the cost and what the deadline would be to hold it here. He said trying to move Errol Estates into the northern precinct would be counterproductive and he did not have a problem with the map.

MOTION by Commissioner Becker, and seconded by Mayor Kilsheimer, to approve Item 4, as presented. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Becker voting aye, and Commissioner Bankson voting nay.

BUSINESS (Action Item)

1. Approve the purchase of two (2) Mack New Way Automated Side Loader Sanitation Trucks.
   Jay Davoll, Public Services Director, said in FY 2014, the City began a replacement program of the automated side loader sanitation trucks. He advised there are two 2007 trucks remaining to be replaced. Nextran Truck Center has a surplus inventory of the automated side loader sanitation trucks available for immediate delivery at a discounted price of $250,000 per truck. This is a discount of $90,036 per truck. Staff is requesting Council to approve the purchase of two new Mack New Way Automated Side Loader sanitation trucks for a total amount of $500,000.

   MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve the purchase of two Mack New Way Automated Side Loader Sanitation Trucks for a total amount of $500,000. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Reject the only proposal received for the Amphitheater Canopy Replacement bid.
   Glenn Irby, City Administrator, said the roof of the amphitheater was destroyed during Hurricane Irma. The City recently went through a bid process and only received one response, having sent the bid out to seven companies. He explained that due to damage occurring to this structure multiple times, it has been decided to replace the roof with a hard surface. The bid that was out had a finish date of January 31, 2018, due to the Old Florida Outdoor Festival. He explained that it was determined this date did not allow enough time for companies to complete the job. He declared the request is to reject this bid and rebid the project.

   In response to Commissioner Becker asking if what was there could be taken down to make it look better, Mr. Irby advised three quotes were received and the first quotes came in at $50,000. A company will be removing the roof panels at a cost of $4,500 and they are to start on December 20, 2017.

   In response to Commissioner Bankson inquiring what the insurance will cover, Mr. Irby advised that is yet to be determined.

   MOTION by Commissioner Velazquez, and seconded by Commissioner Dean, to reject the single received bid on the Amphitheater Canopy replacement and rebid. Motion

carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Discussion - Utility Service Agreement for Water, Wastewater & Reclaimed Water.
Jim Hitt, Community Development Director, said the City provides utilities to properties in unincorporated Orange County and these properties may be able to annex into the City limits in the future when legally appropriate. He explained at this time there is no formal way to accomplish annexation of these properties using City utilities without the owner completing the annexation application. This Utility Service Agreement will enable the City to annex those properties when legally appropriate. The Utility Service Agreements will be recorded and they are in accordance with the adopted JPS and Water, Wastewater, and Reclaimed Water Territorial Agreement.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve the Utility Service Agreement for Water, Wastewater and Reclaimed Water as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2590 – Second Reading – Large Scale – Future Land Use Amendment. Project: J.D. & Kathleen L. Horne Trust – Located on the southeast corner of Plymouth-Sorrento Road and West Kelly Park Road. The City Clerk read the title as follows:

ORDINANCE 2590

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 TO MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROAD 429 AND SOUTH OF WEST KELLY PARK ROAD COMPRISING 18.13 ACRES, MORE OR LESS AND OWNED BY J.D. AND KATHLEEN L HORNE TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon advised there have been no changes since the last meeting. The Planning Commission recommended approval at their October 10, 2017 meeting.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2590. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Ordinance No. 2599 – Second Reading – Large Scale – Future Land Use Amendment – Project: Sabbath Grace Fellowship, Inc. - Located South of Johns Road, west of S.R.**

451. The City Clerk read the title as follows:

ORDINANCE 2599

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 INDUSTRIAL TO MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF STATE ROAD 451 AND SOUTH OF JOHNS ROAD, COMPRISING 39.85 ACRES, MORE OR LESS AND OWNED BY SABBATH GRACE FELLOWSHIP INCORPORATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon said the Planning Commission met on October 10, 2017 and recommended approval..

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

MOTION by Commissioner Dean, and seconded by Commissioner Becker, to adopt Ordinance No. 2599. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Ordinance No. 2584 – First Reading - Change of Zoning/PUD Master Plan - Project: East of Ocoee Apopka Road, north of McCormick Road - Oak Pointe South (aka Thompson Hills Est.). The City Clerk read the title as follows:

ORDINANCE NO. 2584

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT (OAK POINTE); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF MCCORMICK ROAD AND EAST OF STATE ROAD 429, COMPRISING 69.7 ACRES MORE OR LESS, AND OWNED BY THOMPSON HILLS ESTATES LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing and witnesses were sworn in by the clerk.

Mr. Moon provided a brief lead-in on the project, reviewing the location on the map, stating it was proposing 118 single family homes and 120 townhomes. The request is to rezone as Planned Unit Development (PUD). He advised the property owner has entered into an agreement to purchase the internal parcel owned by Mr. Revelle. Mr. Moon explained the access will occur through a road connection to McCormick Road and a future road connection

to Ocoee-Apopka Road. A gate will be located at both the north and south entrances. He reviewed recommended PUD conditions of approval. The recommendation is to approve at first reading and hold over for a second reading.

David Evans, Evans Engineering, was present on behalf of the applicant and available to answer any questions or respond to any public comments.

Rick Geller, Fishback Dominick, said he represents Jason Revelle, and the contract Mr. Revelle is under will take care of all of his objections. He asked that in the event this does not close, that Council protect him by including a condition that Irmalee Road vacate be approved by City Council conditional on the property owner of Oak Pointe closing on the purchase of the internal parcel located at 1751 Irmalee Lane. They also request an additional condition that a six foot high brick wall shall be constructed around the internal parcel at 1751 Irmalee Lane in compliance with Apopka City Code 2.02.06 and 2.02.07 unless the Oak Pointe property owner closes on the purchase of the internal parcel. Mr. Geller added that Mr. Revelle is zoned agriculture and as an abundance of caution they respectfully request these conditions in the event the closing does not occur.

Mayor Kilsheimer asked if the applicant was agreeable to these conditions, to which he responded in the affirmative.

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

MOTION by Commissioner Bankson and seconded by Commissioner Dean, to approve Ordinance No. 2584 at First Reading with conditions as recommended, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

City Council recessed at 3:14 p.m. and reconvened at 3:24 p.m.

4. Ordinance No. 2591 – First Reading – Large Scale – Future Land Use Amendment – Project: Chul Lee Et. Al. – Located at 2309 & 2405 West Kelly Park Road. The City Clerk read the title as follows:

ORDINANCE 2591

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 TO MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD AND WEST OF JASON DWELLEY PARKWAY, OWNED BY <u>WON CHUL LEE; BONG JIN CHOE; SOON CHONG; WON CHUL LEE; AND SEA MYOG</u>; COMPRISING 39.48 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon provided a lead-in reviewing the location on a map stating this was a request to assign a future land-use designation to mixed-use interchange to approximately 40 acres on the north side of Kelly Park Road, right at the one mile radius line east of the Kelly Park Road interchange at the Wekiva Parkway. He advised the property will be subject to the Form-Based Code. He advised the policy and comprehensive plan requires any property within the one mile radius to apply for the mixed-use interchange land-use designation, stating there is no alternative. Planning Commission met on October 10, 2017, and recommended approval with transmittal to the Department of Economic Opportunity.

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. 2591 at First Reading and transmittal to the Florida Department of Economic Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. Ordinance No. 2606 – First Reading – Small Scale – Future Land Use Amendment – Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road. The City Clerk read the title as follows:

ORDINANCE NO. 2606

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 RESIDENTIAL LOW TO OFFICE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WEKIWA SPRINGS ROAD, NORTH OF SEMORAN BOULEVARD, COMPRISING 1.06 ACRES MORE OR LESS, AND OWNED BY MOORWOLF LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner, said the applicant is proposing a small scale future land-use change from Residential Low to Office, allowing a maximum of .3 FAR at 145 S. Wekiwa Springs Road. He reviewed the location of the property on a map and the adjacent property uses. The Planning Commission recommended approval. Staff recommends approval at first reading and carry it over for second reading and adoption.

Mayor Kilsheimer opened the meeting to a public hearing.
Peter Dailey, applicant, said they concur with the staff for the request of a small scale future land-use amendment to allow institutional professional office use. He said the proposed use represents a good transitional use and they respectfully request approval as recommended by staff and the Planning Commission.

Raymond Hadley, Pastor of Hope Baptist Church, said their property was the east, not the north. He stated there was a property to the north between the church and this property.

Carol Adams said she wanted to speak to this item and the next item, which is the change of zoning for the same property. She thanked the City staff for their help and respect shown to the neighbors. She stated their concern was regarding Lake Cortez which dried up due to surrounding development and then flooded during Hurricane Irma. She said they would like to revitalize the lake and during the Planning Commission meeting they requested the development retain their stormwater runoff on site. She stated they also request the structure is in keeping with the surrounding area. She declared this area was in an interesting position in that the City of Apopka, Orange County, and Seminole County were all three impacted in this surrounding area and the residents would ask for consideration on this development and any future developments in the area regarding the stormwater runoff. She also spoke of an odor coming from behind Hobby Lobby and inquired if this would be addressed.

Richard Earp, City Engineer, said the City has not seen a site plan, but it would be required to meet and adhere to the Land Development Code (LDC).

Kevin Burgess, Assistant Public Services Director, advised the lift station behind Hobby Lobby is operated by Orange County.

Pastor Hadley declared Lake Cortez was still approximately three feet above normal. He said according to Orange County, the Lake rose eight feet caused by a border lake overflowing to the retention pond, in turn overflowing to Lake Cortez.

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

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve Ordinance No. 2606 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. Ordinance No. 2607 – First Reading – Change of Zoning – Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road. The City Clerk read the title as follows:

ORDINANCE NO. 2607

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" R-1 (ZIP) (RESIDENTIAL) TO "CITY" PO/I (PROFFESIONAL OFFICE/INSTITUTIONAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WEKIWA SPRINGS ROAD, NORTH OF SEMORAN BOULEVARD, COMPRISING 1.06 ACRES MORE OR LESS, AND OWNED BY MOORWOLF LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing and witnesses were sworn in by the clerk.

Phil Martinez said the applicant is requesting a zoning change of the property at 145 S Wekiwa Springs Road from County R-1 to City Professional Office Institutional. He advised to clear concerns from Hope Baptist Church representative, north adjacent to the subject property is a single family house and going further north is the Hope Baptist Church. He went on to review the surrounding properties and stated properties to the south were planned development and professional office. Planning Commission recommended approval for the rezoning and staff recommends approval at first reading and carry it over for second reading and adoption.

Peter Dailey, representing Moorwolf, LLC, said this property was annexed into the City in 2007 and they are requesting rezoning to City PUD/PO/I to allow a single story, 7,000 square foot building. He reiterated that they feel this is a good transitional use for the property. He said this was consistent with the comprehensive plan and zoning. He stated the drainage will likely be better after construction than it is in the current condition, as they will have to control both the quantity and quality of the runoff, as well as being required to meet the code of the SJRWMD and City of Apopka. He respectfully requested approval for the rezoning.

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 Bankson, to approve Ordinance No. 2607 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

7. Ordinance No. 2609 – First Reading – Change of Zoning – Project: Paul and Kimberly Rehn - Located at 2393 Appy Lane. The City Clerk read the title as follows:

ORDINANCE NO. 2609

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AAA (RESIDENTIAL) TO AG-E (AGRICULTURE ESTATE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF JASON DWELLEY PARKWAY, NORTH OF APPY LANE, COMPRISING 10 ACRES MORE OR LESS, AND OWNED BY PAUL AND KIMBERLY REHN; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing and witnesses were previously sworn in by the clerk.

Mr. Martinez provided a brief lead-in advising this was requesting a zoning change from R-1AAA to Agriculture Estate. He reviewed the subject parcels on a map as well as surrounding uses. He advised this was consistent with the existing and future land use of agriculture. He

advised there is currently a stable on one of the parcels which is prohibited with the R-1AAA zoning and to bring this into compliance, the applicant proposed a zoning change to agriculture estates. Planning Commission recommends approval. Staff recommends approval at first reading and carrying it over for second reading and adoption.

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 Becker, to approve Ordinance No. 2609 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

8. Ordinance No. 2611 – First Reading – Large Scale – Future Land Use Amendment – Project: AHIFO-18 LLC – Located on the north side of West Kelly Park Road, west of Plymouth Sorrento Road. The City Clerk read the title as follows:

ORDINANCE NO. 2611

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 SETTLEMENT TO "CITY" MIXED USE – INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PLYMOUTH SORRENTO ROAD AND EAST OF THE PROPOSED 429, OWNED BY AHIFO-18 LLC; COMPRISING 51.0 ACRES MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, said this was a request to change the future land-use on the west side of Plymouth Sorrento Road from County Rural Settlement to City Mixed-use-Interchange. This property is known as Bridle Path and the majority of the property was used for an equestrian facility in the past. He said the site contains approximately 51 acres and the applicant is HB. The applicant and future developer propose to develop this as a single family residential community that will be subject to the Form-Based Code. The site is located within the one mile radius of the Kelly Park interchange at the Wekiva Parkway. He said the character of the area is presently zoned and used for agriculture or grazing activities. This area will rapidly change in the near future to urban development as the interchange is opened. The Planning Commission recommended approval and transmittal to the Florida Department of Economic Opportunity. This is the same recommendation to City Council.

In response to Commissioner Becker, not using this area for the opportunity to create residential, but a true mixed use, Mr. Moon advised this property will all be residential, but in the case of the Wekiva Parkway Vision Plan Area, there are policy requirements in the comprehensive plan that limit the number of acreage that can occur for residential and also has development criteria for minimum and maximum for development of commercial and office type uses. However, within the neighborhood overlay district, which this property is

within, it is intended for single family residential.

Jim Hall, HB, said this district is within the yellow area when looking at the district and the area that will provide primarily residential. He said they will be back in a month or so with another property that is part neighborhood, part transition, and part employment and that property will start to provide the true mixes of uses you will see occur overall in the Kelly Park area. He stated as this matures overtime, there will be more mixed use in the area. He respectfully requested Council consider this.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve Ordinance No. 2611 at First Reading and transmittal to the Florida State Department of Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

9. Ordinance No. 2612 – First Reading – Amending City of Apopka Code of Ordinances – Project: Part II, Chapter 6 – "Alcoholic Beverages". The City Clerk read the title as follows:

ORDINANCE NO. 2612

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA; AMENDING CERTAIN SECTIONS OF CHAPTER 6, "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, PROVIDING FOR CITY ADMINISTRATOR APPROVAL OF CONSUMPTION OF ALCOHOLIC BEVERAGES FOR EVENTS ON CITY OWNED PROPERTY WHERE A LEASE OR RENTAL AGREEMENT HAS BEEN AUTHORIZED BY CITY COUNCIL FOR SUCH PROPERTY; AMENDING DISTANCE RESTRICTIONS ON THE SALE OF ALCOHOLIC BEVERAGES IN PROXIMITY TO SCHOOLS; ELIMINATING DISTANCE REQUIREMENTS ON THE SALE OF ALCOHOLIC BEVERAGES IN PROXIMITY TO GOVERNMENT BUILDINGS AND CHURCHES; ELIMINATING DISTANCE RESTRICTIONS BETWEEN ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR LOCATION OF SALES ON CITY-OWNED PROPERTY; AMENDING RESTRICTIONS REGARDING THE HOURS THAT ALCOHOLIC BEVERAGES CAN BE SOLD; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Jim Hitt, Community Development Director, said alcoholic beverages are always a touchy subject. He stated one of the things that has been occurring in many downtowns is the establishing of brew pubs or wine bars. A lot of the brew bubs have ended up becoming the economic viability anchor for a lot of the downtowns. He gave several examples of local municipalities. He said in reviewing our current code, the distance stipulations of 700 feet included churches, schools, government buildings, and government property. He advised the majority of our city blocks are anywhere from 300 to 600 feet. With the current code, the City

of Apopka could never have an establishment like this in our downtown, much less the City. He pointed out that roadways are also government property. In reviewing this code with legal counsel, they looked to see if it could functionally work for downtown and the rest of the City. The wanted to keep schools in and added in a good definition for schools. He said they did look at churches and spoke of the many churches in the downtown area. He advised the distance requirement being proposed is 500 feet. The downtown CRA, and the downtown overlay district are combined so that they would be exempt. Government buildings and property was taken out of the ordinance. He advised this ordinance change is being proposed to allow for more flexibility with the downtown and areas where these establishments can open. In addition, they are recommending matching Orange County's ordinance with regards to sales of package beverages. On sale premises for catered events is 11:00 a.m. to 2:00 a.m.

Commissioner Becker said he would expand the package beverage sales, stating grocery stores open their doors at 7:00 a.m. He stated he tended to treat people as responsible adults and there were many reasons people shop for alcohol, such as recipes. He said he would support expanding the time to 7:00 a.m.

Commissioner Velazquez said many fishermen have complained to her that they cannot purchase in the City, but can purchase in the County.

Commissioner Bankson said when it comes to the purchase, it will happen whether it is here or elsewhere and he understands the logic of responsible adults. He stated his concern was more on the side of protection versus trying to control someone's actions. He said there was a lot in the church community that deals with family and said it seems the churches were being removed citywide.

Mr. Hitt explained the downtown area, CRA district and the overlay district would be exempt from the distance requirement due to the number of churches in the area. He stated he did not approach any of the churches on the north side and said there were some areas, with the 500 feet distance that establishments could go.

Chief McKinley said they did review this prior to it coming forward and did not see any significant impact with the way they would address matters.

Commissioner Bankson said he knew of developments like this that were very clean, orderly, and beneficial to the area.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid said she was proud to stand and go against this alcohol ordinance, as she feels it is very bad for the town. She stated this was a step in the wrong direction by allowing alcoholic beverages to be sold and consumed closer to churches, parks, and government buildings. She declared if any amendments were needed, it should be to further the distance. She spoke of alcohol having a dark side and this was the entire community's problem.

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

Commissioner Becker said this was where it gets touchy and Ms. Reid had some valid points. He said for every situation that will turn out bad, there are situations where it has been an excellent situation for the community. He spoke of the Crooked Can in Winter Garden and how this was very family oriented with the Plant Street Market in the same area, a location where people come together and do good things and families come together. He reiterated you have to trust people are responsible adults and set policy for what works best for the majority.

Mayor Kilsheimer said he has met people interested in this brew pub idea and as we look at the future of the downtown development, there is an opportunity to have establishments we are seeing in Winter Garden and other municipalities and bring in the quality of life opportunities residents are looking for. He stated with regards to the hours of sale, he proposed making the change to 7:00 a.m. for off-premise packaged products.

Mr. Hitt said this is written for beer and wine sales. He said if there is an apparent problem that would arise then the code could be amended.

Commissioner Velazquez inquired if there was a way to limit the number of breweries.

City Attorney Shepard said this was a demand issue and matters that could happen would be handled by the Police Department and Code Enforcement.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve Ordinance No. 2612 at First Reading with the change to start off premise package sales at 7:00 a.m., and carry it over for a Second Reading.

Commissioner Bankson said he was not uncomfortable with these establishments being around, as they are a different nature than we have had in the past. His concern is the way it is presently written as a blanket for all churches.

Motion carried 3-2 with Mayor Kilsheimer, and Commissioners Velazquez, and Becker, voting aye and Commissioners Dean and Bankson voting nay.

10. Ordinance No. 2613 – First Reading – Annexation – Project: Iglesia El Getsemani, Inc. – 2575 West Orange Blossom Trail. The City Clerk read the title as follows:

ORDINANCE NO. 2613
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 IGLESIA EL GETSEMANI INC. LOCATED AT 2575 WEST ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt reported this was an open area the church wanted to use for parking. This property is in the County, therefore, the City cannot approve it for parking. The solution is applying for annexation and at that point the City can look at the expanded parking.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to approve Ordinance No. 2613 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

11. Ordinance No. 2614 – First Reading – Annexation – Project: Orange County – East Sandpiper Street (from Thompson Road to approximately 546 feet east of North Park Avenue). The City Clerk read the title as follows:

ORDINANCE NO. 2614

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS EAST SANDPIPER STREET SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALL WEST OF NORTH PARK AVENUE AND EAST OF THOMPSON ROAD, AND COMPRISED OF APPROXIMATELY 8.4 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt reviewed this area on the map and said this brings this portion of the road into and under the control of the City.

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

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve Ordinance No. 2614 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

12. Ordinance No. 2615 – First Reading – Annexation – Project: Orange County – Johns Road (East of Binion Road). The City Clerk read the title as follows:

ORDINANCE NO. 2615

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS JOHNS ROAD SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF

SOUTH BINION ROAD AND EAST OF JOHNS ROAD, AND COMPRISED OF APPROXIMATELY 1.05 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mr. Hitt reported the plat and vacate were over a year ago, however, we never annexed the roadway. This action causes the vacate to become effective, correcting an issue that became apparent.

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

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve Ordinance No. 2615 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

13. Ordinance No. 2616 – First Reading – Annexation – Project: Orange County – General Electric Road (from West Orange Avenue west approximately 1,417 feet). The City Clerk read the title as follows:

ORDINANCE NO. 2616

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA. TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS GENERAL ELECTRIC ROAD AND PARCEL I.D. NUMBER 06-21-28-7172-02-401 SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF HERMIT SMITH ROAD AND EAST OF WEST ORANGE AVENUE, AND COMPRISED OF APPROXIMATELY 2.3 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF APOPKA; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt said this is a small portion that was never annexed and with this action, it brings all areas into the City and this will help the developers to the south.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to approve Ordinance No. 2616 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS – No reports.

MAYOR'S REPORT
Mayor Kilsheimer reported he would be giving a State of the City speech next Tuesday, 8:00 a.m. at Highland Manor. He further reported he would be in Tampa at the Mayor's Institute of City Design to present a case study on the Lake Apopka Research Center Innovation District.

ADJOURNMENT: There being no further business, the meeting adjourned at 4:54 p.m.

_____
Joseph E. Kilsheimer, Mayor

ATTEST;

_____
Linda F. Goff, City Clerk