

CITY OF APOPKA

Minutes of the regular City Council meeting held on February 18, 2015, at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth
City Attorney Clifford B. Shepard
City Administrator Glenn Irby

ABSENT: Commissioner Bill Arrowsmith

PRESS PRESENT: Roger Ballas - The Apopka Chief
Steve Hudak – The Orlando Sentinel

INVOCATION – Commissioner Ruth introduced Pastor Todd Lamphere of The Venue Church, who gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said while doing some research on Black History Month, he came across the story of noted African-American scientist George Washington Carver. A botanist and inventor, he was born around 1864, educated at Iowa State University, and later became a faculty member of the prestigious Tuskegee Institute. His reputation as a scientist is based on his research and promotion of crop rotation and the development of crops that were alternatives to cotton, including peanuts, soybeans, sweet potatoes, and pecans. He urged farmers to use the alternative crops as sources of food, creating hundreds of recipes and bulletins that he distributed to farmers. He also developed hundreds of products including plastics, paints, dyes and even a type of gasoline. His advice was sought from world leaders such as President Theodore Roosevelt, Mahatma Gandhi and business tycoons such as Henry Ford and Thomas Edison. His scholarship and research contributed to improve quality of life for many farming families and made Carver an icon for all Americans. He asked everyone to reflect on the pioneering spirit and legacy of George Washington Carver as he led in the Pledge of Allegiance.

PRESENTATIONS

1. Presentation of Art to the City of Apopka - By Sky Moheb, Fine Arts Painter

Betty Ann Huntsman introduced Sky Moheb who has been displaying his artwork in the lobby of City Hall. Mr. Moheb thanked the City for allowing him to display his artwork and donated one of his paintings to the City which will be displayed in lobby of the Mayor's office.

2. FFA Week Proclamation - Presented to FFA student presidents and faculty advisors from Apopka High School, Wekiva High School, Apopka Memorial Middle School, Wolf Lake Middle School, and Piedmont Lakes Middle School

Mayor welcomed Brian Dornbush, NW Orange County FFA Alumni; from Apopka High School FFA President Jake Dornbush, Vice President Haley Maxwell, and Advisor Katie Sanchez; from Wekiva High School FFA President Caylah Farley, and Advisor Randy Ius; from Apopka Memorial Middle School FFA President Haley Garrett, Vice President Izaiah Marquez, Advisors John Cloran and Duncan Sikes; from Piedmont Middle School FFA President Melissa Pena, Vice President Lyric Jackson, Amber Ritson, and Advisor Melissa Hamilton; from Wolf Lake Middle School FFA President Gabriel Cohen, Vice President Emma Fitzgerald, and Advisor Brian Harper. He then read the Proclamation and presented it to the FFA Alumni.

Mayor Kilsheimer announced that Ordinance Nos. 2406 and 2407 were originally advertised to be heard at 8:00 p.m., therefore Items 1 and 2 under Ordinances and Resolution will not be heard until after 8:00 p.m.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on February 4, 2015 at 1:30 p.m.
2. Authorize the use of Kit Land Nelson Park and the provision of support services for the 54th annual Art & Foliage Festival.
3. Authorize the Mayor to execute the amendment to the Interlocal Agreement creating the Orlando Urban Area Metropolitan Planning Organization.

MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve the three items of the Consent Agenda.

In response to Commissioner Velazquez inquiring about Item 3, Mayor Kilsheimer explained there was a vote at the January MetroPlan Orlando (MPO) meeting to add a new voting member as a Municipal Advisory Committee seat and this amendment requires our signing the Interlocal Agreement agreeing to participate in the MPO.

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

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

3. **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: Applicant has requested this

item be continued until the March 4, 2015, City Council 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 Velazquez, and seconded by Commissioner Ruth to continue this item to the March 4, 2015 meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

4. **ORDINANCE NO. 2408 – FIRST READING –** Establishing a time-limited moratorium for land use amendments, zoning changes and development order for properties located within the proposed Ocoee-Apopka Road Corridor Small Area Overlay District until October 31, 2015. The City Clerk read the title as follows:

ORDINANCE NO. 2408

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL OCTOBER 31, 2015 ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATIONS FOR AMENDMENTS TO THE CITY’S COMPREHENSIVE PLAN OR LAND DEVELOPMENT CODE FOR THE GEOGRAPHICAL AREA COMPRISING THE OCOEE APOPKA ROAD SMALL AREA STUDY WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING FOR EXEMPTIONS; AND PROVIDING FOR SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

David Moon, Planning Manager, advised on February 20, 2015 the Planning Commission held a hearing on Ordinance No. 2408 and recommended approval. He explained the ordinance is requesting a land use moratorium within the Ocoee Apopka Road Small Area Study. The study was conducted over the past year by Littlejohn Consultants which was funded by five key stakeholders. He affirmed there was community participation that included two community meetings with the property owners within the small area study, as well as two meetings with the stakeholders that funded the project. There were also presentations and workshops with the Planning Commission and City Council. He reviewed a Power Point presentation, and reviewed maps of a map of the market area and small area study area. A copy of his presentation is on file in the Community Development Department. He explained

the purpose of the temporary moratorium is to prevent incompatible and undesirable development from interfering with the vision emerging from the Ocoee Apopka Road Small Area Study. He declared the moratorium will provide time for the City to transfer that vision from the Small Area Study into zoning and development codes. He advised this moratorium ordinance will expire October 31, 2015, unless otherwise extended by the City Council through another ordinance. He advised that this ordinance will not apply to the pockets of unincorporated areas. The ordinance also covers exemptions and has a waiver provision, as well as addresses vesting process. Developments that are already underway will be exempt. He advised staff recommends approval.

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 Dean to approve Ordinance No. 2408 at First Reading and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

4. ORDINANCE NO. 2409 – FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Leslie & Nancy Hebert, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046) The City Clerk read the title as follows:

ORDINANCE NO. 2409

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 SOUTH OF WEST KELLY PARK ROAD, EAST OF GOLDEN GEM ROAD, COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY LESLIE AND NANCY HEBERT; 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 Ruth and seconded by Commissioner Dean to approve Ordinance No. 2409 at First Reading and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

5. ORDINANCE NO. 2410 – FIRST READING - CHANGE OF ZONING – Leslie & Nancy Hebert, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046). The City Clerk read the title as follows:

ORDINANCE NO. 2410

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (0-1 DU/AC) (AGRICULTURE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF EFFIE WAY (3600 W KELLY PARK RD.), COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY LESLIE AND NANCY HEBERT; 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 Dean to approve Ordinance No. 2410 at First Reading and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

6. RESOLUTION NO. 2015-03 – Authorization to execute a Joint Participation Agreement between the State of Florida Department of Transportation (FDOT) and the City of Apopka for the construction of curb ramps and pedestrian crossings at the intersection of State Road 500/US 441 and Hiawassee Road (FM Number 432402-3-58-01). The City Clerk read the title as follows:

RESOLUTION NO. 2015-03

AUTHORIZATION TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (THE DEPARTMENT) AND THE CITY OF APOPKA (CITY) FOR THE CONSTRUCTION OF CURB RAMPS AND PEDESTRIAN CROSSINGS AT THE INTERSECTION OF STATE ROAD 500/US 441 AND HIAWASSEE ROAD (FM NUMBER 432402-3-58-01) FOR THE PROJECT “CONSTRUCTION OF CURB RAMPS AND PEDESTRIAN CROSSINGS AT THE INTERSECTION OF STATE ROAD 500/US 441 AND HIAWASSEE ROAD.”

Jay Davoll, Community Development Director, gave a brief lead in, stating this was basically a joint participation agreement with the FDOT. He explained with the Sam’s project approved in

2013, they had to obtain a driveway permit for State Road 441. At the time they approached FDOT, they were also advised that FDOT had some other work they had planned on doing in this intersection, but further in the future, and they negotiated having this construction project done all at the same time with FDOT reimbursing for the work. He advised that FDOT cannot reimburse a private company, but they can reimburse the City, so the City will coordinate this with the private company. He advised there were two minor corrections to the information provided: page 314 of the agenda packet had a blank under the term and he received the date of September 30, 2015 today for completion of the Project. Also, Exhibit C has a correction of dates for the beginning of construction in February 2015, and completing the construction by June 2015, with the final closeout in September. He advised these modifications were acceptable by FDOT, staff, and the representatives for Sam's Club.

In response to Commissioner Dean inquiring if the City would have any authority for bids with this project, Mr. Davoll advised that Sam's Club has all of the contractors and subcontractors hired, and with accordance of the agreement, they also have a construction inspection company that is doing all of the construction inspections and providing reports on a daily basis. The City is helping to expedite the work in the intersection to be done all at one time.

MOTION by Commissioner Dean, and seconded by Commissioner Ruth to adopt Resolution No. 2015-03 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

SITE APPROVALS

1. PLAT – Sam's Club #6189-00, owned by Sam's East, Inc., located south of U.S. 441, located west of North Hiawassee Road and east of Lake Pleasant Road. (Parcel ID Nos. 24-21-28-0000-00-002; 24-21-28-0000-049; 24-21-28-0000-083 & 24-21-28- 0000-084)

Jay Davoll provided a brief lead in for this plat, advising the plan was approved in September 18, 2013, with the condition that the Plat would be approved prior to obtaining a Certificate of Occupancy. He pointed out on the site plan that was with the Final Development Plan where there was a retention pond that was obtained by the City during the Hiawassee Road project and in order to help accommodate this project, it was moved and this Plat came in later to make sure everything was put in place. He advised the Planning Commission and Development Review Committee recommended approval.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve the Sam's Club Plat. Motion carried unanimously with Mayor Kilsheimer and Commissioner Dean, Velazquez, and Ruth voting aye.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report - Glenn Irby - City Administrator – No report.

MAYOR'S REPORT

Mayor Kilsheimer reported the Old Florida Outdoor Festival was outstanding this past weekend with a fabulous turnout and good weather. One returning vendor exceeded his revenues in one day what he had taken in over two days at all previous festivals. He reported that Mullinax Ford sold several vehicles during the event. He affirmed we had record participation in both the BBQ competition and Chili cook off. He stated this event projected a great and positive image for Apopka and he thanked Sarah Ryan, Chuck Carnesale, Robert Sargent, Jean Jreij and his staff, Chief Manley and the Police Department, Chief Bronson and the Fire Department, and the entire Finance Team as well as everyone who worked and volunteered to make this a successful event.

Mayor Kilsheimer announced a new look has been unveiled for the City's website and invited everyone to visit the website. He stated Robert Sargent has undertaken this project and there are more press releases on the site, both for the City as well as what is going on throughout the community.

OLDBUSINESS

1. COUNCIL – There was no Old Business from the Council.
2. PUBLIC – There was no Old Business from the Pubic.

NEW BUSINESS

1. COUNCIL

Commissioner Dean suggested the City provide new landscaping for the Apopka Community Building/VFW. He also stated one of the medians that were recently landscaped needed to be redone.

ORDINANCES AND RESOLUTIONS (cont.)

1. **ORDINANCE NO. 2406 – SECOND READING & ADOPTION - 2015 ADMINISTRATIVE REZONING** - From "County" A-1 (Agriculture) to "City" AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 424.4 acres, more or less, and owned by Cantero Holdings LLC; Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching; Cristan Properties Inc.; Cayetano R & Cristeta M Cruzada; Terry Lyn Dale; Kent A & Anne M Greer; J And L Gardenias Inc.; Lee Kyun & Myung Lee; John & Joseph A Moore; Ronald & Lisa Raboud; SKH Group Inc.; Romeo & Herminia Flaquer; Nancy B Foster; R. A. & Nancy B Foster; Elvia Galvan & Alvaro Mazariegos; Barry Grimm; Scott & Nancy Hines; John Iafrate; JIL Properties Inc.; Ricky Tilman & Karen Lynn Nelson; R. M. & Monica M Poorbaugh; Richard & Monica M Poorbaugh Tr; and Mary Emily Shannon. [Ordinance No. 2406 meets the requirements for adoption having been advertised in The Apopka Chief on February 6, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2406

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 424.4 ACRES, MORE OR LESS, AND OWNED BY CANTERO HOLDINGS LLC; HAL D. CORNELL, THOMPSON P SWARTZ, & JEROME L. HUTCHING; CRISTAN PROPERTIES INC.; CAYETANO R & CRISTETA M CRUZADA; TERRY LYN DALE; KENT A & ANNE M GREER; J AND L GARDENIAS INC.; LEE KYUN & MYUNG LEE; JOHN & JOSEPH A MOORE; RONALD & LISA RABOUD; SKH GROUP INC.; ROMEO & HERMINIA FLAQUER; NANCY B FOSTER; R. A. & NANCY B FOSTER; ELVIA GALVAN & ALVARO MAZARIEGOS; BARRY GRIMM; SCOTT & NANCY HINES; JOHN IAFRATE; JIL PROPERTIES INC.; RICKY TILMAN & KAREN LYNN NELSON; R. M. & MONICA M POORBAUGH; RICHARD & MONICA M POORBAUGH TR; AND MARY EMILY SHANNON; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Ruth, and seconded by Commissioner Dean, to adopt Ordinance No. 2406. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez and Ruth voting aye.

- 2. ORDINANCE NO. 2407 – SECOND READING & ADOPTION - 2015 ADMINISTRATIVE REZONING -** From “County” A-2 (Agriculture) to “City” AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 37.6 acres, more or less, and owned by Alfred & Rose Marie Kager Life Estate; Virginia H Mapel Life Estate; Virginia H Mapel & Donna M McCree; and Roy & Patricia A Valdez. The City Clerk read the title as follows:

ORDINANCE NO. 2407

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 37.6 ACRES, MORE OR LESS, AND OWNED BY ALFRED & ROSE MARIE KAGER LIFE ESTATE; VIRGINIA H MAPEL LIFE ESTATE;

VIRGINIA H MAPEL & DONNA M MCCREE; AND ROY & PATRICIA A VALDEZ; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting for a public hearing.

Alfred Kager said he owns 10 acres on Plymouth Sorrento Road and inquired what kinds of changes were occurring with regards to Agriculture.

Mr. Moon advised the City Agriculture zoning category was comparable to the County's A-2 category and these properties would now be in the municipality. He further explained these were administrative re-zonings as the properties were previously annexed receiving a City future land use designation, but the property owners had never applied for city zoning. He affirmed a letter was sent to all property owners that are affected by this ordinance.

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

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to adopt Ordinance No. 2407. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

NEW BUSINESS (cont.)

2. PUBLIC

Bob Blanchard said he was the Vice President of the Sheeler Oaks Community Association and stated they have had a problem for many years with speeding vehicles. He stated Indian Bluff and Larkwood were being used as a cut through. He said they didn't mind anyone driving through, but they wanted to keep the speed down through this residential area. He affirmed they feel that they have a solution and suggested having a 3-way stop at two intersections would slow some of the speeding. He declared their Association would pay for the stop signs and the installation.

Alexander Smith said he was a resident of Apopka and as a resident, at a previous City Council meeting there were several comments made in reference to things that appeared not to be in sync on both sides of the railroad tracks. As a result of that, he would like to address the Council that we have a "One Apopka Resolution" that would be a transparency resolution. He provided copies of the Draft Resolution for "One Apopka for Progress" and asked the Council to consider it for adoption. He read the resolution and a copy of which is on file in the Clerk's office. He stated he thought we were headed in the right direction and this would assist in that movement.

Ray Shackelford said he hoped the Council would give consideration to the "One Apopka for Progress" resolution. He stated every Council meeting they come to, they hear some outstanding prayers, including the words "we all are children of God" and the Pledge of Allegiance to the Flag was also recited, including the words "and justice for all" and declared if we are sincere and committed to those words, there should be overwhelming support for

this resolution. He also said he would appreciate the City contributing to the Special Olympics held at Apopka High School. He applauded the Old Florida Outdoor Festival and said it can be bigger with greater diversity in planning and implementation.

Commissioner Dean requested the "One Apopka Resolution" be placed on the agenda for the meeting on the third Wednesday in March for a vote stating it was about transparency and inclusion.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 8:21 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk