**CITY OF APOPKA**

**Minutes of the regular City Council meeting held on January 20, 2016, at 7:00 p.m., in the City of Apopka Council Chambers.**

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

PRESS PRESENT: Theresa Sargant - The Apopka Chief
Bethany Rodgers, Orlando Sentinel
Dale Fenwick, The Apopka Voice

**INVOCATION:** Commissioner Ruth introduced Pastor Jason Henderson, Grace Pointe Church, who gave the invocation.

**PLEDGE OF ALLEGIANCE**: Mayor Kilsheimer said on Monday, our nation remembered the life and works of Dr. Martin Luther King, Jr. He was born January 15, 1929, in Atlanta, Georgia, the son of a Baptist minister. He would go on to obtain a Doctorate in Theology. Dr. King advocated civil disobedience and nonviolent resistance to segregation. In 1955, Dr. King helped organize the first major protest of the Civil Rights Movement, the Montgomery Bus Boycott. Over the next several years, he staged many peaceful protests throughout the nation and became the voice of the Civil Rights Movement. In 1963, the March on Washington culminated in Dr. King's "I Have a Dream" speech. The following year, the Civil Rights Act of 1964 became law, the 24th Amendment was ratified abolishing the poll tax and Dr. King became the youngest recipient to win the Nobel Peace Prize. Tragically, Dr. King's life came to an abrupt end on April 4, 1968, when he was assassinated in Memphis, Tennessee. He asked everyone to reflect upon Dr. King's legacy as he led in the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

1. City Council meeting January 6, 2016.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve the January 6, 2016 City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**CONSENT (Action Item)**

1. Authorize Fleet Maintenance to proceed with the purchase of one (1) vehicle to be used as an Ambulance Chassis for the Fire Department from Mullinax Ford in the amount of $41,179.90.
2. Approve the first extension of the contracts for the consulting services for Professional Land Surveying and Mapping Services with Southeastern Surveying & Mapping Corp., for one year, at the same unit rate.

3. Authorize Fleet Maintenance to proceed with the purchase of one vehicle for the Fire Department from Mullinax Ford in the amount of $31,558.36.
4. Approve the Sale of Alcohol at the OFOF on February 12, 13 & 14, 2016.
5. Waiver of Fees for Special Event.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Dean to approve the 5 items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)**

1. Ordinance No. 2483 – First Reading – Vacate. The City Clerk read the title as follows:

**ORDINANCE NO. 2483**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 2780 PONKAN MEADOW DRIVE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.**

David Moon, Planning Manager, gave a brief lead in stating the request is to vacate 2.5 feet of a 7.5 foot utility easement. The utility companies have no objection. He advised DRC has no objection and 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 Velazquez, to approve Ordinance No. 2483 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.**

2. Ordinance No. 2384 – First Reading – Vacate. The City Clerk read the title as follows:

**ORDINANCE NO. 2484**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 1142 GLENMORE DRIVE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR 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 Arrowsmith, and seconded by Commissioner Dean, to approve Ordinance No. 2484 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.**

3. Ordinance No. 2485 – First Reading – Large Scale Future Land Use Amendment. The City Clerk read the title as follows:

**ORDINANCE NO. 2485**

**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 RESIDENTIAL TO "CITY" RESIDENTIAL LOW SUBURBAN (0-3.5DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF ROGERS ROAD, NORTH OF LESTER ROAD, COMPRISING 30.5 ACRES, MORE OR LESS AND OWNED BY JTD LAND AT ROGERS RD LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

David Moon advised the transmittal of this Comprehensive Plan Amendment, if approved by City Council will be sent to State agencies for review and will return in 60 days for the final hearing. He reviewed the location and advised the property contains 30.5 acres. The entire surrounding area is assigned a similar future land use designation and the proposed future land use designation is compatible with the character of the surrounding area. DRC finds this to be consistent with the Comprehensive Plan and recommends approval. The Planning Commission also 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 Arrowsmith, to approve Ordinance No. 2485 at First Reading with transmittal to the State for review, and bring it back for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

4. Ordinance No. 2469 – Second Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

**ORDINANCE NO. 2469**

**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 PARKS/RECREATION TO INDUSTRIAL (0.6 FAR), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST CLEVELAND STREET, WEST OF SHEELER AVENUE, COMPRISING 9.95 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Witnesses were sworn in by the City Attorney.

David Moon advised this case had been presented previously to the City Council, therefore, any evidence or testimony presented by staff will carry over from the previous hearing. He had additional information to provide, advising Council will be conducting the second hearing on this case at this meeting and there will be a third reading to address advertising requirements at the next Council meeting for both the future land use and zoning. He affirmed staff recommendation remains the same: to recommend approval. Planning Commission also recommends approval. He stated questions were raised at the first hearing regarding the HUB Zone affecting the city owned property north of Cleveland Street. He pointed out the HUB Zone on a map stating the site is located to the south end of the HUB Zone. He explained a HUB zone is a Historically Underutilized Business zone that is under a federal program to encourage employment within lower income and blighted neighborhoods. The program helps small businesses in those areas and gives them preferential access to federal procurement and grant opportunities. He reviewed the requirements for the business in order to qualify. He stated the use of this property for Industrial was more appropriate than the Parks and Recreation use. The site is isolated from any major residential or public street. Staff and the Planning Commission recommends approval for both the land use and zoning.

Commissioner Velazquez said she did some research on this property and in July 1979, the property was purchased for the sole use with the sewer plant. She inquired when it was designated at Parks and Recreation.

Mayor Kilsheimer said the closest staff could come, from review of the minutes of meetings from that time period, indicated the decision to place the Parks and Recreation designation was based on it being designed as the least zoning for development. At the time it was unclear as to where the expansion would be needed for the sprayfield.

Mayor Kilsheimer opened the meeting to a public hearing.

Barbara Zakszewski said she was confused about all of the protests of the two ordinances in December, because it went through at First Reading, but caught the eye of community leaders of the second meeting. She said this land has stood vacant for decades and this company had the potential of bringing good paying jobs to the area. She said she has toured many facilities such as this and she asked that Ordinances 2469 and 2470 be approved.

Rod Love said the reason this did slow down was because the community did not know what was taking place there. He affirmed the stakeholders living in the area now have a clear understanding.

Lamar Hughley said he was one of the homeowners that was previously against this. He stated the homeowners did not know anything about what was happening with this situation. He said they did not want to be in a situation where it is rezoned light industrial now and years down the road have it go to heavy industrial.

Reverend Richard King thanked the Commissioners for tabling this for the community to become better informed. He said this was a good opportunity for South Apopka and provides the opportunity for jobs. He thanked the Mayor and Commissioners for attending the MLK

Parade.

Commissioner Velazquez stated, as a reminder, that she mad the original motion to table this issue.

David Moon reminded the City Commission that a site plan will be required for any development on the site and there will be an opportunity to establish additional development standards and buffering of the residential areas.

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

Commissioner Dean said he wanted jobs, but he did not want heavy manufacturing in the community.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to approve Ordinance No. 2469 at Second Reading and carry it over for a Third Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

5. Ordinance No. 2470 – Second Reading – Change of Zoning - Quasi-Judicial. The City Clerk read the title as follows:

**ORDINANCE NO. 2470**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PR (PARKS/RECREATION) TO I-1 (RESTRICTED INDUSTRIAL) (0.6 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST CLEVELAND STREET, WEST OF SHEELER AVENUE, COMPRISING 9.95 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer opened the meeting to a public hearing.

Reverend King confirmed this ordinance was the same property as Ordinance 2469.

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

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve Ordinance No. 2470 at Second Reading and carry it over for a Third Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

6. Ordinance No. 2486 – First Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

**ORDINANCE NO. 2486**

**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 LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO "CITY" RESIDENTIAL LOW (0-5 DU/AC), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SCHOPKE LESTER ROAD, NORTH OF W HIGHLAND AVENUE, COMPRISING 4.42 ACRES MORE OR LESS, AND OWNED BY HUY TRAN & HAI ANH NGUYEN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

David Moon said this case and the following case apply to the same property and the request is to change the future land use to City Residential Low and the zoning to Agriculture Estates. The attempt of the property owner is to have a residence and an aquaponics operation. The DRC and Planning Commission find this to be compatible with the surrounding area and recommend approval of both the land use designation and zoning.

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. 2486 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. 2487 – First Reading – Change of Zoning - Quasi-Judicial. The City Clerk read the title as follows

**ORDINANCE NO. 2487**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP) TO "CITY" AG-E (AGRICULTURE ESTATES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SCHOPKE LESTER ROAD, NORTH OF WEST HIGH AVENUE, COMPRISING 4.42 ACRES MORE OR LESS, AND OWNED BY HUY TRAN & HAI ANH NGUYEN; 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 Arrowsmith, and seconded by Commissioner Dean, to approve Ordinance No. 2487 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. 2472 – First Reading – PUD Master Plan – The City Clerk read the title as follows:

**ORDINANCE NO. 2472**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, RESCINDING ORDINANCE NO. 2292, AND AMENDING THE PLANNED UNIT DEVELOPMENT ZONING (PUD\C-2) STANDARDS AND MASTER PLAN; FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIN (U.S. HWY 441), SOUTH OF OLD DIXIE HIGHWAY, AND EAST OF ERROL PARKWAY COMPRISING 2.94 ACRES, MORE OR LESS AND OWNED BY SPIRIT SPE PORTFOLIO CA C-STORES, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mr. Moon advised the applicant submitted a letter withdrawing the application at this time.

**BUSINESS**

1. Council – There was no new or old business Council.

2. Public

Garreth Leslie expressed concerns regarding the Northwest Recreation Complex charging for tennis, but the basketball courts are free and he wanted to bring this to the Council's attention.

Mr. Irby said the reason why tennis courts have fees is due to the cost of court maintenance. Volleyball and basketball courts do not require the same maintenance. He advised these fees have been in place for some time, but have not been enforced.

Jan Chamberlin said she manages Palm Plaza and she was here as a follow-up to comments she made at the City Center Workshop meeting regarding the Apopka retail market being somewhat fragile. She expressed concern regarding vacant space and said in checking she found approximately 133,000 sq. ft of vacancy. She requested the Council consider a feasibility study and expressed concerns regarding holding the land for 10 years without any kind of concession. She suggested the consideration of incorporating a real estate professional in the advisory group.

Hai Anh Nguyen said her children play tennis and she feels the City should not charge for use of the tennis courts and stated other municipalities do not charge for use of their courts. She said they already pay property tax and should be able to play tennis.

Imogene Morrell said she was here because of the requirement to pay for the use of the tennis courts. She said it was not fair for the residents of Apopka to have to pay to use the parks and it was not fair for only the tennis players to have to pay to use the park.

Niki McGuire said she has had many parents confront her and ask what was going on with regards to the Northwest Recreation Park and the soccer field. She stated last soccer season they paid for the entire season and there was an issue with the lights at the field toward the end of the season and the children were unable to practice. For this upcoming season, the City is collecting money and many have already paid, but to her knowledge, the lights are not repaired. She asked when the lights were going to be repaired.

Mr. Irby advised the parts necessary to repair the lights are special ordered and are being shipped by the manufacturer.

Mayor Kilsheimer suggested she give her name to Mr. Irby and he will have the Parks and Recreation Director contact her.

Reverend King inquired about the status of the grant for Alonzo Williams Park, to which Mr. Irby advised we should know something within 6 months and it would be approximately 12 months to be under construction if the grant is awarded.

Commissioner Arrowsmith inquired about the format of the agreement with Taurus.

Mr. Irby advised the attorney for Taurus will create the first draft and present it to the City for review. He stated he would keep the Council informed. He recommended the Council hold another workshop prior to it coming back for a formal vote.

**MAYOR'S REPORT –** Mayor Kilsheimer reported he spent a couple of days in Tallahassee over the last week and was there today. He said the legislature is moving fairly fast and it seems that the big issue is what the Governor will get in tax cuts this year. He stated there was interesting discussion today before the House Government Operations Committee on the inquiries for public records request. He reported the subcommittee unanimously passed a revision to the public records law.

**ADJOURNMENT** – There being no further business the meeting adjourned at 8:02 p.m.

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda F. Goff, City Clerk