

CITY OF APOPKA

Minutes of the regular City Council meeting held on January 17, 2018, at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Diane Velazquez
Commissioner Doug Bankson
Commissioner Kyle Becker
City Attorney Patrick Brackin
City Administrator Glenn Irby

ABSENT: Commissioner Billie Dean

PRESS PRESENT: Teresa Sargeant - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: - Mayor Kilsheimer introduced Lieutenant Jason Fletcher, U.S. Army Chaplain, 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. 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 and the following year, Civil Rights Act of 1964 became law, the twenty-fourth amendment was ratified abolishing the poll tax, and Dr. King became the youngest recipient of the Nobel Peace Prize. Tragically, Dr. King's life came to an abrupt end on April 4, 1968, in Memphis, Tennessee. He asked everyone to reflect on Dr. King's legacy as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

- 1. City Council regular meeting December 06, 2017.**
- 2. City Council regular meeting December 20, 2017.**

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve the minutes of December 6, 2017 and December 20, 2017, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: No changes.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Mayor Kilsheimer said there were members of the Apopka High School Track Team present and he would allow their presentation to exceed the allotted four minutes.

Jayla Brinkley said she was here today with her teammates on behalf of the Apopka High School Track Team. She stated Apopka High School was known as a football school, but today she is here to introduce a lesser known sport, Apopka High School Track and Field. She said the past two years they have had a lot of success from state records, to setting new school records and sending students to the collegiate level.

Rhyan Stelljes said she also participates in Track and Field. She stated for the 2016 season the AHS Track Team received new leadership and that season saw the boys' team finish third in the MetroWest Conference championship, second in the District championship and seventh in the Regional championship. In 2017 the boys' team won both the MetroWest and District championships, and placed second in the Regional championship. She affirmed in 2016 the girls' team placed fifth at the Freshman/Sophomore meet and the following year they placed first. A comparison of the 2016 and 2017 State championship meets saw an increase in the number of student athletes participating. In 2016 five individuals and one relay qualified for the State meet, and four other individuals placed in the meet. In 2017 eight individuals and one relay qualified for the State meet.

Ryan Lovern said he competes in Track and Field for Apopka High School. He stated although Track and Field may not be as glorified as other sports, he loves it nonetheless. However, due to the fact it is not as popular as other sports, Track and Field is considered a low generating revenue sport. They hold fundraisers such as apparel sales, carwashes, and promotional nights at local restaurants. Yet, because they do not host track meets at Apopka High School due to substandard facilities, they do not have the luxury of a sizeable budget. He said keeping in mind that they run approximately eight regular season meets and have 50-60 student athletes on the team, seasonal costs include meet entry fees, which have increased from \$100 -\$150, or even \$200 on average, new uniforms that will cost \$65 per student athlete this year, food for the meets considering an average track meet may last for six hours or more, equipment such as shot put, discs, hurdles, and medicine balls, and travel expenses for out of town meets that may include hotel rooms and charter bus rentals.

Saypadia DeSussyre said he has participated in Track and Field for four years. Over the past two seasons twelve members of the Track Team have enrolled in institutions of higher education. He stated they boast that some of their former athletes have been members of National Honor Society, Student Government and Homecoming Court. Some former teammates have also been the first in their family to attend college. He said their successes are not only limited to their athletic performances. He stated he and his teammates humbly come before Council this evening with hopes they can offer the Apopka High School Track and Field Team any financial assistance they deem reasonable. He said they are on a quest to improve upon past years' performances and route to establishing a new tradition of excellence on and off the field at Apopka High School. He thanked Council for their time tonight.

Mayor Kilsheimer advised the City's ability to offer financial resources depends on the budgeted amount they have to spend this year. The budget was approved in October. He affirmed each Council member has a discretionary fund from which they can donate. He asked each Council member to consider making a donation out of their discretionary fund to the Apopka High School Track and Field Team.

Commissioner Becker said to quantify reasonable, on the document provided, their budget is around \$7,000. He asked with the fundraising they do, how much of a gap is there. He declared he did not view Track and Field as substandard or secondary, it is a lot of fun and he loves what they are doing.

Cecilio Fowler, Apopka High School Track and Field Coach, said this is his second year at Apopka High School, but he has been a teacher, math coach, dean with Orange County Public Schools for 19 years. He said Apopka was a very different community from where he has taught in the past and it was very family oriented. He stated his student athletes were great and he had no issues with them. He said this team was probably the highest on average GPA students he has throughout all his years of coaching. He declared the funding was not always there for Track. He stated Apopka has done very well with football and bowling. He affirmed he wants to do everything he can for Track and to give these student athletes the best experience possible that they can have and get them to the next level whether it is collegiate, military, or some type of post high school learning so they can be contributing members of society.

Pastor Hezekiah Bradford said he was here to give kudos to the Mayor and Commissioners for their overwhelming support of the Martin Luther King Parade. He said Council showed the community that we work better together. He stated he would talk with the Apopka High School Coach stating they may be able to contribute as well.

CONSENT (Action Item)

1. Authorize the sale of alcohol at the 2018 BBQ Blast.
2. Approve the purchase of a new Portable Generator.
3. Approve the Northern Communications Site Agreement with Lake County regarding the co-location of radio services.

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

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. **Ordinance No. 2621 – Second Reading – Annexation – Project: VBRO Enterprises, Inc.**
- **Location: 41 E Lester Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2621

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 VBRO ENTERPRISES, INC. LOCATED AT 41 EAST LESTER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

David Moon, Planning Manager, advised there have been no changes since the first reading.

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 adopt Ordinance No. 2621. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

2. **Ordinance No. 2622 – Second Reading – Annexation – Project: Roseville Farms, LLC Location: Northeast corner of West Ponkan Road and Ponkan Pines Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2622

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 ROSEVILLE FARMS, LLC. LOCATED AT WEST PONKAN ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mr. Moon advised there have been no changes since the first reading.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to adopt Ordinance No. 2622. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

3. **Ordinance No. 2627 - Second Reading - Annexation - Project: Kenney Harry Charles McAllister – Location: 3591 West Orange Blossom Trail.** The City Clerk read the title as follows:

ORDINANCE NO. 2627

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 KENNEY HARRY CHARLES MCALLISTER TR. LOCATED AT 3591 WEST ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Moon advised there have been no change since the first reading.

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 adopt Ordinance No. 2627. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. **Ordinance No. 2623 – Second Reading – Vacating a Utility Easement. Project: Belvedere Estates Inc. – Location: 1586 Golfside Village Boulevard.** The City Clerk read the title as follows:

ORDINANCE NO. 2623

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 1586 GOLFSIDE VILLAGE BOULEVARD; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the Clerk.

Mr. Moon advised there have been no changes since the first reading.

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 adopt Ordinance No. 2623. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

5. **Ordinance No. 2617 – First Reading – Comprehensive Plan Amendment – Large Scale – Project: Laura Murphy – Location: 359 West Lester Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2617

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 AGRICULTURE TO RESIDENTIAL LOW SUBURBAN (0-3.5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 359 WEST LESTER ROAD, OWNED BY LAURA R. MURPHY; COMPRISING 19.94 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner, provided a brief lead-in and reviewed the location of the property on a

map. He reviewed the surrounding parcels and land-use. He said this was the same zoning as the Errol Equestrian Center. The Planning Commission recommended approval and authorization of transmittal to DEO at their meeting on January 9, 2018.

Mayor Kilsheimer opened the meeting to a public hearing.

Luke Classon, Appian Engineering, representing the project said to clarify the 69 units was in reference to what is allowed under the future land-use. They are working toward a final engineering plan of 52 lots. He advised they have already done an environmental study that does not get submitted with future land-use, but it will be provided with the Final Development Plan.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve Ordinance No. 2619 at First Reading and approve transmittal to DEO. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

6. **Ordinance No. 2619 – First Reading – Comprehensive Plan Amendment – Small Scale – Project: Zellwood Properties, LLC – Located north of S.R. 441 and west of Hermit Smith Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2619

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 TO “CITY” COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HERMIT SMITH ROAD AND NORTH OF ORANGE BLOSSOM TRAIL, COMPRISING 2.45 ACRES, MORE OR LESS AND OWNED BY ZELLWOOD PROPERTIES, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez reviewed the project area and surrounding parcel uses. He advised that staff finds a commercial land-use at this intersection will act as a transition space between the industrial properties to the south and the residential properties to the north and east. He pointed out that properties in unincorporated Orange County are zoned commercial. The Planning Commissioner found this to be compatible with the character of the surrounding area and recommended approval.

Mayor Kilsheimer opened the meeting to a public hearing.

Bryan Potts said he is the applicant and he appreciated the work from staff and agrees with them. He was present to answer any questions.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve Ordinance No. 2619 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

- 7. Ordinance No. 2620 – First Reading – Change of Zoning – Project: Zellwood Properties, LLC – Located north of S.R. 441 and west of Hermit Smith Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2620

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/COMMERCIAL) FOR CERTAIN REAL PROPERTY LOCATED AT 1102 HERMIT SMITH ROAD, COMPRISING 2.45 ACRES MORE OR LESS, AND OWNED BY ZELLWOOD PROPERTIES, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the Clerk.

David Moon, Planning Manager, said this request was to assign “City” Planned Unit Development” (PUD/Commercial) zoning to the property owned by Zellwood Properties, LLC, and represented by Mr. Brian Potts with RaceTrac. The proposed use for the site is a RaceTrac convenience store and fueling station for primarily automobiles. He advised the issue with compatibility was addressed as part of the future land-use amendment. He said staff felt that certain uses within the C-2 zoning category would not be compatible with the surrounding area. The applicant agreed to apply for PUD zoning where the types of uses can be limited. The applicant has agreed to limit the uses to C-1 Commercial uses which is generally retail in character and the only C-2 use allowed is automobile fuel stations. The Planning Commission reviewed this at their January 9, 2018 meeting and found the proposed zoning to be compatible with the surrounding area and consistent with the City Code and Comprehensive Plan, and recommended approval subject to the conditions outlined in the PUD ordinance. Staff recommends approval at First Reading and hold over for a 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 Bankson to approve Ordinance No. 2620 at First Reading and carry over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

Commissioner Bankson reported he sent an email to the Police Department thanking them for solving the case of a burglary at their home this past spring.

Commissioner Velazquez reported there was an event for Cystic Fibrosis held this past weekend where the Police, Fireman, and a team from Cross Fit participated. She said it was an event with strength and endurance and there was a great turnout.

Mayor Kilsheimer said Commissioner Dean was feeling under the weather and asked everyone to send prayers and healing thoughts his way, wishing him a speedy recovery.

MAYOR'S REPORT – No report.

ADJOURNMENT – There being no further business the meeting adjourned at 7:40 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk