

CITY OF APOPKA

Minutes of the regular City Council meeting held on November 5, 2014, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth
City Attorney Clifford B. Shepard

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

INVOCATION – Commissioner Dean introduced Pastor Alice Hicks, Center of Faith Church, who gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on the eleventh hour of the eleventh day of the eleventh month in 1918, fighting ceased between Germany and the Allied Nations when armistice went into effect. This armistice heralded the end of World War I. In the years following, November 11th was commemorated as Armistice Day, a day filled with solemn pride and the heroism of those who died in the country's service during World War I. The day was to be dedicated to the cause of world peace. In 1954, Congress changed the name of the holiday to Veteran's Day to honor American veterans of all wars. He asked everyone to remember our veterans for their patriotism, love of country, willingness to serve, and sacrifice for the common good as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. Clark M. Mason – Fire/Suppression – Five Year Service Award – Mayor Kilsheimer said Clark began working for the City on October 16, 2009, as a Fire Fighter First Class, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Clark on his years of service to the City.

2. Joel S. Brown – Police/Field Services – Ten Year Service Award – Mayor Kilsheimer said Joel began working for the City on October 4, 2004, as a Police Officer. On May 18, 2014, he was assigned to Lead Police Officer, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Joel on his years of service to the City.

3. MacIntosh Fequiere – Police/Field Services – Ten Year Service Award – Mayor Kilsheimer said MacIntosh began working for the City on October 26, 2004, as a Police Officer, which is his current position. The City Council joined Mayor Kilsheimer in congratulating MacIntosh on his years of service to the City.

4. Jason M. Woertman – Police/Field Services – Ten Year Service Award - Jason started working for the City on October 26, 2004, as a Police Officer. He was promoted to Police Sergeant on April 18, 2011, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Jason on his years of service to the City.

5. Renee C. Beasley – Fire/EMS – Ten Year Service Award - Renee began working for the City on October 29, 2004, as a Fire Fighter First Class. She was promoted to Fire Engineer on December 11, 2009, which is her current position. Mayor Kilsheimer said Renee was unable to attend and will be presented her award at a later time.

6. Jeremy L. Holderfield – Fire/EMS – Ten Year Service Award - Jeremy started working for the City on October 30, 2004, as a Fire Fighter First Class. On February 24, 2014, Jeremy was promoted to Fire Engineer, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Jeremy on his years of service to the City.

7. Richard “Ricky” L. Hayden – Fire/EMS – Fifteen Year Service Award - Ricky began working for the City on October 2, 1999, as a Firefighter First Class. On October 6, 2003, he was promoted to Fire Engineer. And on December 11, 2009, Ricky was promoted to Fire Lieutenant, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Ricky on his years of service to the City.

8. Patrick “Pat” Griggs – Public Services/Water Distribution Maintenance – Twenty-Five Year Service Award - Pat started working for the City on October 1, 1989, as a Laborer I. On May 12, 1993, Pat was reclassified to a Laborer II. His title changed on September 1, 1994, to Utility Service Worker II. On May 1, 2000, Pat’s title changed to Meter Service Worker. He was reclassified to Meter Service Worker I on September 1, 2003. Pat was reclassified to a Utility Service Worker II for Water Distribution Maintenance on May 22, 2006, which is his current position. Mayor Kilsheimer said Pat was unable to attend and will be presented his award at a later time.

9. Randall “Randy” E. Tindall – Public Services/Utility Construction – Twenty-Five Year Service Award - Randy began working for the City on October 1, 1989, as a Laborer I. He was promoted on February 1, 1990, to Laborer II. Randy’s title changed on February 1, 1994, to Utility Service Worker II and on December 8, 1994, was promoted to Utility Foreman, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Randy on his years of service to the City.

10. Theresa A. Brown – Finance/Utility Billing – Twenty-Five Year Service Award - Theresa started working for the City on October 11, 1989, as a Cashier/Finance Clerk. She was promoted to Utility Billing Clerk on August 10, 1994. Theresa had a title change on May 1, 2000, to Utility Billing Specialist. On August 24, 2012, her title changed to Customer Service Specialist, which is her current position. The City Council joined Mayor Kilsheimer in congratulating Theresa on her years of service to the City.

11. Robert “Robbie” M. Manley III – Police/Chief’s Office – Twenty-Five Year Service Award - Robbie began working for the City on October 11, 1989, as a Police Officer. He was promoted to Police Sergeant on August 4, 1997. Robbie was promoted to Police Commander on

October 1, 1998. He was promoted to Deputy Police Chief on January 7, 2005. On December 29, 2010, Robbie was promoted to Police Chief, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Chief Manley on his years of service to the City.

PRESENTATIONS

1. Week of Family Proclamation – Mayor Kilsheimer read the proclamation and then presented it to Lynn Whitcomb.
2. Florida League of Cities John Land Years of Service Award - Kathy Till, Florida League of Cities, read a resolution honoring Commissioner Dean for his years of service, and then presented it to him.
3. Debbie Turner Cancer Care and Resource Center - Chief Manley presented a check in the amount of \$2,825.14, funds raised by employees and matched by the city during Breast Cancer Awareness month.
4. Boy Scouts of America - Randy Stiel thanked the City for their support to the Boy Scouts. He was then presented with a check for \$5,000.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting of October 1, 2014, at 1:30 p.m.
2. Approve the minutes of Administrative Bid Opening No. 2014-12 for New Ground Storage Tank Number 4 for the Apopka Water Reclamation Facility, held on October 15, 2014, at 10:15 a.m.
3. Approve December 24, 2015, as the calendar year 2015 Floating Holiday.
4. Approve the request from the Foliage Sertoma Club of Apopka, Inc., to hold its annual Apopka Christmas Parade on Saturday, December 13, 2014; and authorize waiver of the Special Event fees.
5. Award the contract, in the amount of \$920,000.00, to The Crom Corporation for the design and construction of the New Ground Storage Tank Number 4, for the Apopka Water Reclamation Facility. *(Item pulled)*
6. Authorize the use of the Orange County Public School Contract 1309220 ITB, in the amount of \$103,185.00, for pesticide/fertilization applications at the Northwest Recreation Complex Athletic Fields.
7. Award the consulting services contract for Professional Engineering Services, to CH2M Hill, Inc. and Reiss Engineering for one year, with the option to extend the contract for two additional one-year extensions.
8. Authorize the Mayor or his designee to sign contract #WS950, in the amount of \$57,497.00, with the Department of Corrections for an inmate work squad.
9. Authorize the execution of a contract, in the amount of \$47,530.00, with Layne Inliner, LLC to install 1,301 linear feet of 10-inch CIPP liner for an existing sanitary gravity sewer line.

10. Authorize an expenditure from the Law Enforcement Trust Fund, at a cost of no more than \$44,000.00, to refurbish an armored vehicle used by the Police Department.
11. Authorize staff to issue a Request for Proposal (RFP) for professional services to conduct a Visioning Program.
12. Authorize issuance of a Vehicle For Hire permit to Lil Bit's Academy, owned by Antoinette Wright.
13. Approve the Disbursement Report for the month of October 2014.

Mayor Kilsheimer affirmed that Item 5 was being pulled from the Consent Agenda.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve Items 1-4, and 6-13 of the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

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

ORDINANCES AND RESOLUTIONS

- 1. ORDINANCE NO. 2386 – FIRST READING - CHANGE OF ZONING** - Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, and 03-21-28-0000-00-119)

The City Clerk read the title as follows:

ORDINANCE NO. 2386

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, EAST OF USTLER ROAD, COMPRISING 58.23 ACRES, MORE OR LESS AND OWNED BY FLORIDA LAND TRUST #111 - ZDA AT SANDPIPER, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer disclosed he has had some discussions with neighbors that surround this property. He affirmed those discussions will not have any bearing on the decision made today.

Commissioner Velazquez disclosed she has received via e-mail petitions, to which Mayor Kilsheimer advised there was a petition filed with the website change.org and as of earlier today 100 people have signed the petition.

City Attorney Shepard advised for anybody who has had ex parte communication, which would include meetings, discussions, notes, e-mails, texts, etc., not only do they need to be disclosed, but if there are records involved, such as e-mails, they need to be provided to the clerk so to be made a part of the record. In response to Commissioner Arrowsmith, he advised you do not have to meet with anyone on a quasi-judicial matter, but if you do meet with anyone, it must be disclosed.

Mayor Kilsheimer said as part of this quasi-judicial hearing, they are required to make some findings of fact and he asked the City Attorney to review this with Council.

City Attorney Shepard said the last time this was before the Council it was referred back to the Planning Commission for fact finding. He affirmed that under current policy an attorney does not attend those meetings. Subsequent to that meeting, findings of fact were made as well as a motion to not recommend this, as well as a motion, if proceeding with it, to place certain restrictions. He advised he was provided a transcript of the hearing, as well as case law by the developer's counsel. The transcript shows that the Chair made a motion based upon his own testimony which was contrary to the testimony given by city staff. He affirmed that the committee or chair is not allowed to bring in their own evidence. He strongly recommended the Council should ignore the recommendation from the Planning Commission and make whatever findings they make based on what the record is they find at this meeting.

David Moon, Planning Manager, stated he would presume that since the first hearing was heard before City Council on September 17, 2014, and continued at this meeting, that any information and testimony at that hearing can also be considered by Council today.

City Attorney Shepard responded in the affirmative.

Mr. Moon continued to provide an overview of the project, stating he would not repeat what was presented on September 17th, but he would review additional information based upon comments and questions by City Council, as well as some clarifications. He pointed out that staff did re-advertise this hearing, as well as the hearing scheduled for November 19, 2014. He reviewed the history of this project. The property was annexed into the City in 2008, in August 2008, the Planning Commission recommended approval of the PUD by a 5/1 vote, the preliminary development plan was approved by City Council unanimously with the understanding the concerns of the surrounding citizens be addressed prior to the final plat, which were concerning flooding, drainage, and tree protection. He advised the new plan is similar to what was presented to and approved by City Council in 2008 and he reviewed the key differences. He affirmed that based on the applicants meetings with adjacent property owners, he agreed to establish a 30 foot undisturbed conservation buffer between the homes on the southern boundary. He reviewed the lot sizes and additional conditions the applicant has agreed to. Staff's report will be filed with the minutes.

In response to questions from Commissioner Velazquez with regards to sidewalks and pedestrian safety, Mr. Davoll advised the developer will be putting in sidewalks all around the development.

He advised when crossing at Ustler Road, sidewalks are in place at Ustler and Tanglewilde. He further stated Ustler and Sandpiper is a 2-way stop at this time.

Commissioner Arrowsmith said he was looking for items that have changed from when it was approved in 2008 and if they are minor changes, to be reassured of that, to which Mr. Moon reviewed those changes. He further advised that once the City assigned land-use designation, any future review of a development plan was subject to the City's Comprehensive Plan and Land Development Code. He affirmed the preliminary development plan expired in 2009 and in 2010 the City assigned the future land-use designation.

Miranda F. Fitzgerald, Attorney with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., was representing the applicant. She reiterated that the Council's decision was to be based on competent, substantial evidence. She provided her resume and reviewed her qualifications stating she has been practicing in this area of law for 35 years and has expertise in this field. She addressed several of the questions that were previously raised and advised the restricted lots previously discussed were not restricted from having pools, but only restricted from having pools within that 30-foot easement area. She stated things have changed since 2008, not only has the county lost jurisdiction over this property and now falls under the city's regulations. She advised that because this is a PUD, they have the ability to negotiate with staff and come up with a compromise. She affirmed that after listening to the residents' concerns, they agreed to do a minimum 2200 square foot house size. She affirmed the biggest issues seem to be general compatibility and lot size. She went on to review the project and gave the definition of compatibility. She stated staff has worked with them through this process and pointed out that the 30-foot buffer was not in place in 2008. She further stated the 15 acres is not intended to be a preserve, but open space and recreation. She stated the plan has changed since it was with the county and has changed for the better and requested the Council's approval.

The meeting recessed at 3:21 p.m. and reconvened at 3:26 p.m.

Mayor Kilsheimer opened the public hearing.

The following people spoke in opposition to the Sandpiper project. Ellen O'Connor, representing Oakwater Estates read a letter into the record expressing their opposition to the project and requested denial. A copy of the letter is on file in the Clerk's office. Concerns expressed were with regards to lot size, protection of the large trees, how it will affect Lake McCoy, safety of school children walking along Sandpiper Street, the fact that the findings of the Planning Commission are not being allowed, higher density, the effect this will have on the Wekiva Basin, traffic and safety. Documentation turned in regarding traffic studies, photos of posting on property, lot sizes, and petitions from change.org are on file in the Clerk's office.

Ellen O'Connor
Jill Cooper
Chris Rucker
Jack Cooper

Les Hess
Mary Smothers
David McGee
Sylvester Smith

The following people spoke in support of the Sandpiper project. Both speakers were from Wekiva Preserve and Mr. Peronti was representing the Wekiva Preserve HOA. They had concerns in that

this project would represent the closest comparable to Wekiva Preserve homes. In meeting with them, the developer agreed to set the minimum square footage of the homes at 2200 and Wekiva Preserve minimum is 1800 and pavers in the driveway and/or a side entry.

Mike Peronti

Colleen Kelly

Attorney Fitzgerald said she did not intend to insult anyone, she was trying to state the standard and the Council makes their determination of what is competent substantial evidence their decision will be based upon. She affirmed they will not be clear cutting this property and each individual lot will be subject to the City's stringent code. She stated much of the 15 acres on the west side will be left in its natural state, although it will be cleared out some, but is reserved for an open/recreation area. There is a commitment with regards to the lots on the lake front will be restricted to clearing of a maximum of 15 feet on their property for lake access. She advised that since this is a PUD, there are very specific provisions that supersede the R-1 zoning. She affirmed they had agreed with the Wekiva Preserve HOA to have at least 500 square feet of driveway pavers per house, or a side/court yard entry to be determined on an individual basis. She reviewed proposed conditions offered by the developer (list on file in the Clerk's office) in addition to those in the staff recommendation and requested approval.

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

City Attorney Shepard reiterated if the Council is going to deny or approve, it needs to be based on competent, substantial evidence in the record that supports their decision. It cannot be based upon your own testimony.

In response to Commissioner Velazquez regarding if the applicant has met the criteria for approval, Mr. Moon stated this project went through staff review and based upon the Development Review Committee, they determined the plan, as proposed, is consistent with the Land Development Code, and the Comprehensive Plan. He said this project is compatible with the general character of the surrounding area, as well as past actions Council has taken to approve similar projects. With regards to comments by Commissioner Ruth to find a compromise between the original project and this presentation, Mr. Moon affirmed the same responsibilities apply to this City Council as it did with the 2008 City Council, in that the decision has to be based upon the findings of fact presented, as referenced by the City Attorney.

MOTION was made by Commissioner Ruth to deny because of findings of fact of 2008 for a minimum size of 3000 square feet and dropped to 2200 square feet. Motion failed due to lack of a second.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to accept the First Reading of Ordinance No. 2386 based on the findings of fact, and hold it over for a Second Reading, with the opportunity for staff to negotiate/reconsider certain conditions between now and the Second Reading. Motion carried by a 4-1 vote with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Velazquez voting aye and Commissioner Ruth voting nay.

The meeting recessed at 4:44 p.m. and reconvened at 4:52 p.m.

2. ORDINANCE NO. 2388 – FIRST READING - Amending The City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.”

The City Clerk read the title, as follows:

ORDINANCE NO. 2388

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED “DESIGNATED GROW AREA OVERLAY DISTRICT”, PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A “DESIGNATION GROW AREA OVERLAY DISTRICT” AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICTS OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY\ MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.

Mayor Kilsheimer said we no longer have to worry about a large medical marijuana business coming to the State of Florida since Amendment 2 did not pass. However, we do have an approved licensed and regulated product the Florida Legislature passed known commonly as the Charlotte’s Web Law. Subsequently, the State Department of Health has been proposing rules and regulations to govern how certain businesses might be awarded licenses. In order to be in this business, they must have some statement of cooperation from their local jurisdiction and in discussing, it has been determined Apopka may have approximately five businesses that would preliminarily qualify. He advised that staff has drafted an ordinance with regards to this legislation.

Mr. Moon said the City Attorney’s office has reviewed the draft ordinance and he handed out a copy with highlighted, stricken language that relates to Federal Laws and is not necessary to be included. He affirmed if the motion is to adopt at First Reading, then it should be subject to the document with the stricken language.

Mayor Kilsheimer opened the meeting for a public hearing.

Kerry Herndon said he owns Kerry’s Nursery at 450 E. Keene Road as well as Twyford International at 4550 Fudge Road. He reviewed Senate Bill 1030 and why it is important to Florida. He stated it approved a particular form of cannabis that has a high concentration of CBD. He affirmed the CBD does not get people high. He stated that CBD is the most powerful neuronal protectant ever encountered and has extremely beneficial effects to protect peoples neurons from damage by stroke, ALS, Parkinson’s, HIV, dementia, Down Syndrome, and benefits for people

undergoing chemotherapy. He affirmed if approved to grow, they will have extremely high levels of security.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2388, and hold it over for a Second Reading. Motion carried by a 3-2 vote with Mayor Kilsheimer, and Commissioners Arrowsmith, and Dean, voting aye, and Commissioners Velazquez and Ruth voting nay.

- 3. ORDINANCE NO. 2390 – FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Metzler Family Trust, from “County” Low Density Residential (0-4 du/ac) and “City” Very Low Suburban Residential (0-2 du/ac) to “City” Agriculture (1 du/5 ac), for property located east of Vick Road, north of West Lester Road. (Parcel ID #s: 28-20-28-0000-00-010 & 28-20-28-0000-00-075)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2390

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) & “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) TO “CITY” AGRICULTURE (1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF VICK ROAD, NORTH OF WEST LESTER ROAD, COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Velazquez, to accept the First Reading of Ordinance No. 2390, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 4. ORDINANCE NO. 2391- FIRST READING - CHANGE OF ZONING - Metzler Family Trust, from “County” A-1 and “City” R-1AA to “City” AG, for property located east of Vick Road, north of West Lester Road. (Parcel ID #s: 28-20-28-0000-00-010 & 28-20- 28-0000-00-075)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2391

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (0-4 DU/AC) (RESIDENTIAL) AND "CITY" R-1AA (0-10 DU/AC) TO "CITY" AG (1 DU/5 AC) (CONTAINER NURSERY) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LESTER ROAD, EAST OF VICK ROAD (2127 AND 2133 VICK ROAD), COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; 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 Velazquez, to accept the First Reading of Ordinance No. 2391, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

5. **ORDINANCE NO. 2392- FIRST READING - CHANGE OF ZONING –** Norman E. Sawyer, from "County" I-1/I-5 (ZIP) (Industrial) to "City" I-1 (Industrial) AG, for property located north of 13th Street, east of Lambing Lane. (Parcel ID #s: 15-21-28-0000-00- 095 & 15-21-28-0000-00-096)

The City Clerk read the title, as follows:

ORDINANCE NO. 2392

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" I-1/I-5 (ZIP) (LIGHT INDUSTRIAL) TO "CITY" I-1 (INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF 13TH STREET, EAST OF LAMBING LANE, COMPRISING 2.3 ACRES MORE OR LESS, AND OWNED BY NORMAN E. SAWYER; 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 Arrowsmith, and seconded by Commissioner Velazquez, to accept the First Reading of Ordinance No. 2392, and hold it over for a Second Reading. Commissioner Arrowsmith reported he would be abstaining from voting due to the owner being a client of the bank he serves as Executive Vice President. Motion carried

by a 4-0 vote with Mayor Kilsheimer, and Commissioners Dean, Velazquez and Ruth voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

SITE APPROVALS

- 1. FINAL DEVELOPMENT PLAN (MINOR)** – Circle K Gas Station, owned by Clarcona Keene Retail, LLC; engineer Florida Engineering Group c/o Samir J. Sebaali, P.E, property located north of East Keene Road and west of Clarcona Road. (Parcel ID #: 22-21-28-0000-00-225)

Jay Davoll, Community Development Director gave a lead in for the Final Development Plan explaining a preliminary development plan was not required due to the size. This site meets our Stormwater standards and there are two onsite retention ponds. He advised they will be paying \$1,016 dollars into the City tree fund. They will be submitting a master sign plan that will be before the Planning Commission at their meeting next week. They are requesting one waiver, asking that they be allowed to have the dumpster enclosure match the exterior of their building, which staff does not object to this waiver request. The Planning Commission voted 7-0 to approve the Final Development Plan at their October 21, 2014 meeting and the Development Review Committee recommends approval.

MOTION by Commissioner Arrowsmith and seconded by Commissioner Dean to approve the Final Development Plan for the Circle K Gas Station, owned by Clarcona Keene Retail, LLC, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

DEPARTMENT REPORTS AND BIDS –

- 1. Sanitary Sewer and Potable Water Concurrency Management System** - Jay Davoll - Community Development Director reviewed the Sanitary Sewer and Potable Water Concurrency Management System as presented in the agenda packet.

MAYOR'S REPORT - Mayor Kilsheimer wished Mayor Land a Happy Birthday and stated Mayor Land listens to the audio of the Council meetings and downloads the agenda packets online, keeping up on everything the City is doing.

Mayor Kilsheimer reported the City is moving forward on the selection of the City Administrator stating out of the 52 applicants that submitted resumes, 32 responded to the questionnaires. These 32 applicants were reviewed by the Selection Committee and brought to six potential finalists at their first meeting and at their second meeting on Tuesday, November 4th, they came down to a final three applicants. The three applicants will receive a tour of the City by Mayor Kilsheimer next Thursday and have a personal interview. All three applicants will be attending the Taste of Apopka.

OLD BUSINESS

- 1. COUNCIL** - There was no old business from the Council.

2. PUBLIC – There was no old business from the Public.

NEW BUSINESS

1. COUNCIL

Commissioner Arrowsmith inquired if the city had looked into what the financial impact may be with regards to the red light cameras to which Mayor Kilsheimer said Chief Manley was looking into the matter.

Commissioner Ruth requested some time with staff to be able to ask questions as a teaching mechanism to which Mayor Kilsheimer requested all communications be with either the City Attorney or the City Clerk to direct questions with staff.

2. PUBLIC – There was no new business from the Public.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 5:39 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk