CITY OF APOPKA

Minutes of the regular City Council meeting held on November 2, 2016, 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: John Peery - The Apopka Chief
Bethany Rodgers, Orlando Sentinel
Reggie Connell, The Apopka Voice
Channel 13 News

INVOCATION: Mayor Kilsheimer introduced Pastor David Schorejs of First Baptist Church of Apopka, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said that on the 11th hour of the 11th day of the 11th month in 1918, fighting ceased between Germany and the Allied nations when an 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 in the heroism of those who died in our countries 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 all American veterans of all wars. He asked everyone to remember our veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council workshop September 2, 2016.
2. City Council workshop October 4, 2016.
3. City Council meeting October 19, 2016.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve the minutes of September 2, 2016, October 4, 2016, and October 19, 2016. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT
Employee Recognition:
Ten Year Service Award – Phillip "Jeff" Rippon – Recreation/Athletics Recreation Leader I - Jeff began working for the City on October 20, 2006, as a Recreation Leader I which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Jeff for his years of service.

Fifteen Year Service Award – Steven "Steve" Page – Fire/EMS Fire District Chief – Steve began working for the City on October 15, 2001, as a Fire Fighter 1st Class. On March 2, 2005, he was promoted to Fire Engineer and on October 12, 2007, he was promoted to Fire Lieutenant. On December 11, 2009, he was promoted to Fire Captain/District Chief, which later was retitled "District Chief", which is his current position. Steve was not present and his award will be presented to him at another time.

Twenty Year Service Award – Ronald "Jay" Davoll – Public Services/Public Services Director – Jay began working for the City on October 28, 1996, as the City Engineer. On August 24, 2009, he was appointed Acting Community Development Director and on October 28, 2009, he was appointed Community Development Director. On August 28, 2015, he was appointed Public Services Director, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Jay for his years of service.

Public Comment Period:
Ray Shackelford commended the Public Information Officer for information provided regarding the Development Review Committee. He thanked the Police Department for service provided. He expressed concerns regarding citizens not being able to respond to comments by the council following a public hearing. He expressed concerns regarding the time involved in obtaining information for a public records request. He inquired if the CDBG grant was not funded for Alonzo Williams Park if CRA funds could be used for improvements to the park. He inquired if a committee had been formed for the Old Florida Outdoor Festival and if there would be a bidding process utilized for this event. He inquired as to the status of the splash pad and skate park.

Presentations:
1. Presentation regarding property and an Equestrian Youth Therapy Program.
   Pamela R. Badzinski, MSN, ARNP-BC, PMHS, gave a presentation on converting a 12-acre farm into an outpatient mental health treatment center designed to promote mental health wellness. She stated this program would focus on children, adolescents, and adults with special needs, teaching social and vocational skills. In order to open this facility, she is required to have water and sewer. She said she was here to ask for help in providing expansion of the water and sewer lines from Keene Road to the property on Marden Road. She understands she will be responsible to pay connection fees.

CONSENT (Action Item)
1. Approve December 26, 2017, as the CY17 Floating Holiday.
2. Approve appointment of John Sprinkle to the Planning Commission.
3. Authorize staff to hang banners for the Fall Family Festival.
4. Authorize the closure of roads for the annual Apopka Christmas Parade.
5. Authorize the purchase of four portable light towers from Kelly Tractor Co.
6. Authorize a contract with the Department of Corrections for an inmate work squad.
7. Authorize the purchase of two Automated Side Loader Refuse Trucks via the Florida Sheriffs Association Contract.

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

BUSINESS

1. **Final Development Plan – Northwest Distribution Center Building "D"**
   Mayor Kilsheimer advised this was a quasi-judicial hearing and witnesses were sworn in by the clerk.

   Rogers Beckett, Senior Project Coordinator, provided a brief lead-in for the Final Development Plan, Northwest Distribution Center Building "D". He advised the site will be built out with the completion of this project. DRC recommends approval.

   Jeff Banker, Engineer with Highland Engineering, was present to answer any questions.

   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 the Final Development Plan for Northwest Distribution Center Building "D", as presented and issue the Final Development Order. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Preliminary Development Plan – Tractor Supply**
   Mayor Kilsheimer advised this was a quasi-judicial hearing and witnesses were sworn in by the clerk.

   Mr. Beckett provided a brief lead-in for the Tractor Supply Preliminary Development Plan and parking waiver request. He reviewed the location and square footage of the building. He advised a total of 89 parking spaces are being proposed, stating Traffic & Mobility Consultants prepared a parking analysis in response and support of the requested waiver. DRC recommended approval and Planning Commission recommended approval at their October 11, 2016 meeting.

   Jeremy Anderson of Hanlex Development provided a short presentation on the development and said he had a team of professionals with him that can answer any questions.

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

   MOTION by Commissioner Bankson and seconded by Commissioner Dean, to approve the Preliminary Development Plan for Tractor Supply. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. **Plat Approval – Silver Oak Phases 1 and 2 Plats**
   Mayor Kilsheimer advised this was a quasi-judicial hearing and witnesses were sworn in by the clerk.

David Moon, Planning Manager, provided a brief lead-in on the Plat Approval for Silver Oak Subdivision, Phases 1 and 2 plats. He advised this project is proposing 182 single family residential units separated into phases. DRC recommends approval subject to the staff report and conditions. Planning Commission at the October 11, 2016 meeting recommended approval subject to staff report and conditions.

Mark Stehli, Engineer with Poulos and Bennett, LLC, advised there were left turn lanes on both Sheeler and Keene Roads. He advised this project has gone through the Preliminary Development Plan and Final Development Plan stages and has been approved. He affirmed it is currently under construction. The surveyor had left off the phase line on the Final Development Plan and this amends the plat to show the two phases.

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 Silver Oak Phases 1 and 2 Plats. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. **Ordinance No. 2510 – Second Reading – Code of Ordinances, "Business Tax Receipts"**
   Postponed to December 7, 2016.

ORDINANCE NO. 2510

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 74, ARTICLE IV, SECTION 74-104 OF THE CITY OF APOPKA CODE OF ORDINANCES PERTAINING TO "VEHICLES FOR HIRE" BY REMOVING LANGUAGE INDICATING THAT CITY COUNCIL APPROVAL IS REQUIRED FOR DRIVERS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

MOTION by Commissioner Velazquez and seconded by Commissioner Bankson to postpone Ordinance No. 2510 and 2511 to the December 7, 2016 meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Ordinance No. 2511 – Second Reading – Code of Ordinances, "Vehicles for Hire**
   Postponed to December 7, 2016.

ORDINANCE NO. 2511

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, VACATING AND DELETING THE PROVISIONS OF CHAPTER 86 OF THE CITY CODE OF ORDINANCES AS CURRENTLY WRITTEN, ADOPTING

NEW PROVISIONS IN SAID CHAPTER AMENDING THE PERMITTING AND REGULATIONS OF TAXICABS AND CREATING REGULATIONS FOR TRANSPORTATION SERVICES AND TRANSPORTATION NETWORK APPLICATION COMPANIES AND OPERATORS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

3. **Ordinance No. 2524 – First Reading – Small Scale Future Land Use Amendment.** The title was read by the City Clerk as follows:

ORDINANCE NO. 2524

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" OFFICE (MAX. FAR 0.30), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SOUTH PARK AVENUE, EAST OF SOUTH CENTRAL AVENUE, SOUTH OF E G H WASHINGTON STREET, NORTH OF EAST 12TH STREET, COMPRISING 0.52 ACRES MORE OR LESS, AND OWNED BY APOPKA HOLDINGS, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Kilsheimer announced Ordinance No. 2524 was legislative and Ordinance No. 2525 was quasi-judicial. Both ordinances will be presented at the same time. Witnesses were sworn in by the clerk.

Kyle Wilkes, Planner, gave a brief lead-in on this and the next item, stating this is a small scale future land-use map amendment and an associated change of zoning amendment for properties owned by Apopka Holdings, LLC, also known as the Central Florida Recovery Center. The proposed development is for a mental health and rehabilitation clinic, including inpatient residential treatment. He advised the offsite parking will require a permanent satellite parking agreement. A copy of the staff reports will be filed with the minutes. The DRC finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommends approval. The Planning Commission recommended approval (5-1) at their October 11, 2016 meeting.

Discussion led by Commissioner Velazquez ensued regarding concerns with security given the proximity to church and single-family residences, as well as the project's compatibility with the surrounding neighborhood. Mr. Wilkes pointed out in the development conditions, staff included a six-foot brick and masonry wall with landscape buffer be provided along the southern and western property lines.

Dr. Harbinder Ghulldu from the Central Florida Recovery Center discussed their proposal, stating the front of the building will be the medical office and the back will be the residential care facility with a maximum of 40 beds. He stated this facility will be very secure and they

are required to follow the national standards of the Joint Commission.

Bob Hafer said he is also a resident of Apopka and they are bringing treatment for mental health to the city. He stated that they work with all types of individuals and income levels. He affirmed that during the community meetings, the people were in support of this facility.

Mayor Kilsheimer opened the meeting to a public hearing.

Trever Walfall said was an interested citizen and he attended the public meeting at New Hope Baptist Church on September 19, 2016. He said there was an overwhelming agreement with the proposal.

Rod Love said he was not speaking in favor or against this project, but he was in support of treatment programs and services. He stated this sounded much like sober homes. He commended Commissioner Velazquez for her comments and concern that this be a fit within the community.

Sandra Bell said she lives in this area and spoke of concerns of security in her neighborhood. She expressed concerns of drugs and young children in the area.

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

MOTION by Commissioner Dean, and seconded by Commissioner Becker, to approve Ordinance No. 2524 at First Reading and carry it over for a Second Reading. Motion carried four/one with Mayor Kilsheimer, and Commissioners Dean, Becker, and Bankson voting aye, and Commissioner Velazquez voting nay.

4. **Ordinance No. 2525 – First Reading – Change of Zoning.** The City Clerk read the title as follows:

ORDINANCE NO. 2525

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" R-3 (RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (PUD-PO/I-RESIDENTIAL); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SOUTH PARK AVENUE, EAST OF SOUTH CENTRAL AVENUE, SOUTH OF EAST G. H. WASHINGTON STREET, NORTH OF EAST 12TH STREET, COMPRISING 0.52 ACRES MORE OR LESS, AND OWNED BY APOPKA HOLDINGS, LLC; 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 Becker, and seconded by Commissioner Dean, to approve Ordinance No. 2525 at First Reading and carry it over for a Second Reading. Motion

carried four/one with Mayor Kilsheimer, and Commissioners Dean, Becker, and Bankson voting aye, and Commissioner Velazquez voting nay.

5. **Ordinance No. 2526 – First Reading – Temporary Moratorium – Dispensing of Medical Cannabis.** The City Clerk read the title as follows:

ORDINANCE NO. 2526

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNABIS WITHIN THE CITY OF APOPKA; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNABIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN THE CITY OF APOPKA; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE

David Moon, Planning Manager, explained this was establishing a temporary moratorium on the dispensing of medical cannabis within the City of Apopka. He explained there is a referendum on the November 8, 2016 election ballot, and if passed, the Department of Health will have approximately six months to adopt new rules for the cultivation, processing and dispensing of cannabis. Staff believes it to be in the best interest of the City to have this temporary moratorium until the new rules are established and implemented.

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 approve Ordinance No. 2526 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. 2528 – First Reading – Annexation. The City Clerk read the title as follows:

ORDINANCE NO. 2528

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 ADAMS BROTHERS CONSTRUCTION COMPANY, INC. LOCATED WEST OF SHEELER AVENUE AND SOUTH OF EAST 13TH STREET; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Bankson and seconded by Commissioner Dean, to approve

Ordinance No. 2528 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. 2529 – First Reading – Annexation.** The City Clerk read the title as follows:

ORDINANCE NO. 2529

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 SHIRLEY L. LITTLE LIFE ESTATE LOCATED WEST OF CENTRAL AVENUE AND NORTH OF OAK STREET; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Velazquez, and seconded by Commissioner Bankson, to approve Ordinance No. 2529 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. 2530 – First Reading – Annexation.** The City Clerk read the title as follows:

ORDINANCE NO. 2530

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 JERRY OWENS AND LINDA S. OWENS LOCATED WEST OF MARDEN ROAD AND SOUTH OF KEENE ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Bankson, and seconded by Commissioner Dean, to approve Ordinance No. 2530 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.

9. **Ordinance No. 2531 – First Reading – Annexation.** The City Clerk read the title as follows:

ORDINANCE NO. 2531

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 WON CHUL LEE, MYONG SEA LEE, BONG JIN CHOE AND CHONG SOON CHOE LOCATED EAST OF PLYMOUTH SORRENTO ROAD AND NORTH OF KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Bankson, and seconded by Commissioner Becker, to approve Ordinance No. 2531 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.

10. **Resolution 2016-33 – Handicap Accessibility Requirement Updates.** The City Clerk read the title as follows:

RESOLUTION NO. 2016-33

A RESOLUTION OF THE CITY OF APOPKA FLORIDA UPDATING COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, ADOPTING A HANDICAP ACCESSIBILITY SELF EVALUATION PLAN, ADOPTING A TRANSITION PLAN FOR HANDICAP ACCESSIBILITY AND ADOPTING A SECTION 504 GRIEVANCE PROCEDURE.

Jeff Plaugher advised this resolution was presented as one of the recommended items from the site visit for the CDBG grant for Alonzo Williams Park.

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

MOTION by Commissioner Becker, and seconded by Commissioner Dean, to approve Resolution No. 2016-33. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

Commissioner Dean reported he has received calls from citizens concerning poor lighting on

Marvin Zanders Blvd. from Tenth Street to S.R. 441.

Commissioner Bankson inquired about sidewalks along Welch Road heading west from Rock Springs Road in front of where the mobile home park is located. Mr. Davoll advised this was county property. He advised they will be working with a consultant on Welch Road and can look at various options.

MAYOR'S REPORT – No report.

NOT REQUIRING ACTION:
Thank you letter to the Public Services Department from Resident.

ADJOURNMENT – There being no further business the meeting adjourned at 4:28 p.m.

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Joseph E. Kilsheimer, Mayor

ATTEST;

_____
Linda F. Goff, City Clerk