

CITY OF APOPKA

Minutes of the regular City Council meeting held on September 17, 2014, at 8:00 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
Assistant City Attorney Drew Smith

PRESS PRESENT: Roger Ballas - The Apopka Chief
Steve Hudak - The Orlando Sentinel
Various TV News Reporters and Cameramen

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

PLEDGE OF ALLEGIANCE - Mayor Kilsheimer said today is Constitution Day and on this day in 1787, following months of debates at the Constitutional Convention in Philadelphia, The Constitution of the United States was signed by our Framers. As part of the compromise to ratify the new Constitution, additional amendments were debated upon and drafted. Two years later, on September 25, 1789, the first Congress of the United States adopted 12 amendments to the Constitution, 10 of which would later be ratified and known as the Bill of Rights. He asked all to reflect upon the wisdom, deliberation, careful consideration, and prudence of those who helped create our Constitution as he led in the Pledge of Allegiance.

PRESENTATIONS

1. Wekiva Parkway Update - Mary Brooks, Public Information Officer.

Mary Brooks provided an update on the landmark Wekiva Parkway project, 30 years in the making. She said the Wekiva Parkway will complete the missing link of Central Florida's beltway, as well as taking traffic off of roads such as State Road 441, State Road 46, and enhance safety in this area. The Wekiva Parkway includes tremendous environmental considerations, passing through the Wekiva River Basin. She advised the Parkway will feature all electronic tolling and will be a cashless system, requiring a transponder for tolls, which reduces noise and pollution. She reviewed a power point presentation of the project with time frames which is on file in the Clerk's office. She affirmed there will be a preconstruction community open house meeting, open to the public, on September 25, 2014, 5:30 to 7:30 p.m., at Apopka High School Cafeteria. She reported the entire Parkway will be open by 2021.

In response to Commissioner Dean's inquiry if there were minorities receiving any work given the magnitude of this project, Ms. Brooks responded in the affirmative.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on September 3, 2014, at 1:30 p.m.
2. Approve the minutes of a special City Council meeting held on September 3, 2014, at 5:15 p.m.
3. Approve the minutes from a City Council workshop held on September 9, 2014, at 2:00 p.m.
4. Approve the minutes of Administrative Bid No. 2014-02, for Heavy Rescue Apparatus, held on September 8, 2014, at 10:15 a.m.
5. Approve the minutes of Administrative Bid Opening No. 2014-10, for Apopka Northwest Recreation Complex Excavating & Selling Generated Dirt, held on September 10, 2014, at 10:15 a.m.
6. Approve and Authorize the Mayor or his designee to prepare and execute the Open Space Mitigation Agreement between the City of Apopka and Shoot Straight Holding Co., LLC.
7. Extend the Orchid Estates Final Development Plan - PR11-05R (112 lot subdivision) and the Orchid Estates Mass Grading Final Development Plan - PR11-06 until January 8, 2017.

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

Commissioner Ruth requested to discuss Item 6 and inquired if the Council could be involved in some of this process.

Mayor Kilsheimer explained this specific agreement allows them to expand the existing warehouse.

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

Mayor Kilsheimer requested the consensus of the Council to move to and hear Item 10, Resolution No. 2014-10 at this time. With no objection, Council proceeded to Item 10.

10 RESOLUTION NO. 2014-10 - ADOPTION - STREET NAME CHANGE - Changing the name of the southern segment of the City street known as "Piedmont-Wekiwa Road," between North Hiawassee Road and Apopka Boulevard, to "Armando Borjas Jr Way." The City Clerk read the title, as follows:

RESOLUTION NO. 2014-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, TO CHANGE THE SOUTHERN SEGMENT OF THE CITY STREET NAME KNOWN AS "PIEDMONT-WEKIWA ROAD," BETWEEN NORTH HIAWASSEE ROAD AND APOPKA BOULEVARD,

AS RECORDED IN PLAT BOOK 7, PAGE 139, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, TO “ARMANDO BORJAS JR WAY;” PROVIDING AN EFFECTIVE DATE.

Mayor Kilsheimer read the Resolution into the record.

MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to adopt Resolution No. 2014-10. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

Mayor Kilsheimer presented a copy of Resolution 2014-10 to the family of Armando Borjas Jr. A street sign was also presented to the family by the Apopka Fire Department.

Mayor Kilsheimer requested to move to Item 9, Ordinance No. 2386. Hearing no objection, the Council proceeded to Item 9.

- 9 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, 03-21-28-0000-00-073, 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.

David Moon, Planning Manager, provided an overview of the project. He explained this property was annexed into the City in September, 2008, and prior to that, in 2007 the Board of County Commissioners approved a County PD zoning on the property with a maximum of 49 single family residential units. He reviewed the Master Site Plan proposed for this project and advised that except for two exceptions, the sidewalk and wall, it is consistent with the City Comprehensive Plan and Land Development Code. He declared a 30-foot wide conservation easement runs along all of the lots and this easement will be deeded to the homeowners association who will be charged with the responsibility of overseeing the preservation of that conservation easement. He confirmed the trees and natural vegetation are to remain and the development standards prohibit use of the conservation easement for pools, fences, or any other accessory structures. He affirmed staff recommends approval with exceptions. The Development Review Committee recommended a six foot wall from the project entrance to the easternmost lot, then from the entrance to the westernmost lot staff recommended a brick or masonry post

with a wrought iron style fence. He advised sidewalks are proposed within the community along each of the 49 lots as well as along Sandpiper Road. He further reported the Planning Commission, at the September meeting made a recommendation to not approve the PUD zoning with the proposed Master Site Plan as presented. He advised this recommendation did not come with a Finding of Facts to explain this decision. A copy of the staff report is incorporated as a part of the minutes.

Commissioner Arrowsmith inquired as to what became of the agreement from 2009 on how this property was to be developed. He stated the majority of the people here to speak are county residents and he affirmed at that time the City worked hard to give these people some trust in the City.

Mr. Moon said the applicant from 7 years ago and today is the same person/entity. They approached the City and addressed a larger number of residential units at a higher density. He advised the agreement Commissioner Arrowsmith referenced from 7 years ago was recognized and honored. The plan before the Council is for 49 single family homes, not on the same lot configuration as in 2007, but very similar and compatible, creating more open space along Ustler Road and the northwest corner of Sandpiper Road.

Commissioner Velazquez pointed out that the Planning Commission did not approve this by a 6/0 vote. She inquired if the Council could send it back before the Planning Commission.

Mr. Moon advised the Planning Commission made a recommendation based upon the evidence and information presented to them at the hearing. He suggested the Council could choose to ask the Planning Commission to prepare and present to the Council Findings of Fact as to why they recommended denial.

Attorney Smith affirmed the Council does have the right to request the Planning Commission explain why they made the decision they made, as they are an advisory board to the Council.

Mayor Kilsheimer said when the Council is in a quasi-judicial hearing, it is the job of the Council and the Planning Commission to make Findings of Fact. In this case, the Findings of Fact required to be made is whether or not the application is consistent with the Comprehensive Plan of the City of Apopka. He inquired if there were any further considerations allowed.

Attorney Smith responded in the affirmative and stated if it is consistent with the Comprehensive Plan, they may look at the surrounding areas for consistency of development, concurrency issues, whether the infrastructure is there to support the development, and that type of detail.

Mayor Kilsheimer opened the meeting for a public hearing.

The following people spoke in opposition to the project citing concerns regarding proper notice of the public hearing, stormwater drainage into Lake McCoy, impact on traffic, higher density in that many moved to the area for the rural setting, acreage for conservation, impact on the wildlife, removal of older trees and asking they be preserved, impact on property tax values, loss of privacy, safety of school children, as well as how the transfer of ownership was handled.

Ron Edenfield	Jill Cooper
Lou Haubner	Jack Cooper
Ellen O'Conno	Jennie McGee
Mary Schwarberg	Beau Schwarberg
Les Hess	Kenneth Sumner
Katherine Youmans	Mary Smothers
Lillian Myers	Alex Toledo

Allan Goldberg, property owner, said he has been a developer in Central Florida for over 20 years. He stated he respects all of the speakers here tonight, the majority of which are from Oakwater Estates which is south of this property. He provided the history on this property starting with 2007 when it was taken through Orange County for PD zoning and they were originally requesting 59 lots and they were maxed down to 49 lots. The County's future land use at the time was LDR which is 4 units to the acre and at that time they were still 1 unit to the acre which has not changed. He advised in 2008 they brought this to the City of Apopka where annexation was approved and the preliminary development plan was approved. In 2013 they annexed the remainder of the property. He pointed out that the City's land use was low density suburban on this property, which allows 2 units per acre. He is proposing half of that, 1 unit per net acre. He stated at the Planning Commission meeting there was a blanket decision of denial made with no Findings of Fact concerning staff approvals or reports, and no recommendations made. A total of 49 lots were approved by the City in 2008 and this is remaining the same. After meeting with the homeowners of the southern border of this property, he changed from a brick wall to natural buffer. He read a letter into the record from Mike Corbin where he was informed that the majority voted in favor of the 30 foot natural buffer with the existing trees, vegetation, and fence. He moved three lots within the subdivision so to maintain 15 acres undisturbed and as recreation area. He spoke regarding the petition that was turned in, stating this was done a year ago at the time he was asking for more lots and he came back to the original plan of 49 lots. He said that he feels he has addressed most of the concerns on this petition. He reviewed the surrounding developed areas, many of which do not have sewer and he will be bringing in sewer to this development. He declared the staff report recommended approval of this project as it meets all requirements of the future land use and zoning. Staff made two recommendations, one being sidewalks for safety. He would suggest using the internal sidewalks and he will construct a path through the recreation area so that it attaches to the corner of Ustler Road. This will keep the students off of Sandpiper Road and will be a safer alternative. The second issue was a boundary treatment and this has already been discussed.

Mr. Goldberg discussed trees and wildlife, stating he wanted to keep trees also as it creates much more value for the community, and 27 acres are being left as open space, 15 of which are an undisturbed park, and a 30 foot undisturbed buffer. He is committed to not clearing lots, only roadways and retention ponds. Each lot, when applying for a building permit, they must also apply for an arbor permit. A wildlife survey only listed gopher tortoises which will be required to be relocated. He declared this project will create many jobs and will generate additional property tax revenues. He stated this will be a great asset to the city, bringing in infrastructure. He has made a conservative effort to alleviate neighbors' concerns and has made changes to the original plan based upon these concerns. He thanked the Council for their time and said he looked forward to their approval in constructing a beautiful, viable community.

Commissioner Velazquez left the meeting at 10:09 p.m.

Steve Harmon said at one time he tried to annex in to the City of Apopka, but couldn't due to his location. He would like to keep his trees in his community and has lived in his house since 1978. He is a former Deputy Sheriff and has written many citations on Sandpiper, as well as responding to several accidents on this road. He declared speed and traffic were of paramount importance.

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

Commissioner Velazquez returned at 10:12 p.m.

Mayor Kilsheimer said there has been some discussion regarding the Planning Commission providing Findings of Fact regarding their decision. He inquired if that would be more proper, or should the Council consider this issue at this time.

Attorney Smith advised the Council could do either. If they decide to request the Planning Commission's input regarding their recommendation, it can be sent back to them, or Council can act upon the evidence and testimony heard at this meeting.

Commissioner Arrowsmith said he would like to have staff provide on a larger scale the differences to be able to have something on a more comparative nature. He stated he would like more time to review this prior to making a decision in order to be fair to all concerned.

It was the consensus of the Council to request the Findings of Fact from the Planning Commission.

Attorney Smith advised their decision is based upon competent substantial evidence. He affirmed they were not turning the project down by sending it back to the Planning Commission.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to send it back to the Planning Commission to reconsider and develop Findings of Fact to substantiate their decision. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

The Council recessed at 10:19 and reconvened at 10:23.

- 1. ORDINANCE NO. 2378 – FIRST READING – VACATE – GK MAUDEHELEN, LLP**
- Vacating a portion of a platted right of way (cul de sac) located on the east side of Binion Road, south of Orange Blossom Trail, and west of Willet Avenue. The City Clerk read the title, as follows:

ORDINANCE NO. 2378

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE
A PORTION OF A PLATTED RIGHT-OF-WAY LOCATED EAST SIDE**

OF BINION ROAD, SOUTH OF ORANGE BLOSSOM TRAIL, WEST OF WILLET AVENUE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR 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. 2378, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

2. **ORDINANCE NO. 2379 – FIRST READING – ANNEXATION - Jason M. Lee,** property located at 2300 West Ponkan Road. (Parcel I.D. # 19-20-28-0000-00-007) (3.65 +/- acres). The City Clerk read the title, as follows:

ORDINANCE NO. 2379

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 JASON M. LEE, LOCATED AT 2300 WEST PONKAN ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 accept the First Reading of Ordinance No. 2379, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

3. **ORDINANCE NO. 2380 – FIRST READING – ANNEXATION - Metzler Family Trust,** property located at 2133 Vick Road. (Parcel I.D. # 28-20-28-0000-00-010) (5.00 +/- acres). The City Clerk read the title, as follows:

ORDINANCE NO. 2380

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 METZLER FAMILY TRUST, LOCATED AT 2133 VICK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Dean, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2380, 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. 2381 - FIRST READING – ANNEXATION - Property Industrial Enterprises, LLC**, properties located at 320 and 328 West 2nd Street. (Parcel I.D. #s 09-21-28-0868-01-250 (0.42 +/- ac) and 09-21-28-0868-01-260 (0.42 +/- ac) (0.84 +/- acre). The City Clerk read the title, as follows:

ORDINANCE NO. 2381

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 PROPERTY INDUSTRIAL ENTERPRISES, LLC, LOCATED AT 320 AND 328 WEST 2ND STREET; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 accept the First Reading of Ordinance No. 2381, 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. 2382 - FIRST READING – ANNEXATION - Dewar Keene 40 LLC**, property located at 632 West Keene Road. (Parcel I.D. # 28-21-28-0000-00-024) (9.52 +/- acres). The City Clerk read the title, as follows:

ORDINANCE NO. 2382

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 DEWAR KEENE 40 LLC, LOCATED AT 632 WEST KEENE ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Velazquez, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2382, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 6. ORDINANCE NO. 2383 - FIRST READING – ANNEXATION - Alexander E. & Mary E. Dewar**, properties located at 205 and 251 East Keene Road. (Parcel I.D. #s 22-21-28-0000-00-168) (12.74 +/- ac) and 22-21-28-0000-00-137 (4.94 +/- ac) (17.68 +/- acres). The City Clerk read the title, as follows:

ORDINANCE NO. 2383

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 ALEXANDER E. AND MARY E. DEWAR LOCATED AT 205 AND 251 EAST KEENE ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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. 2383, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 7. ORDINANCE NO. 2384 - FIRST READING – ANNEXATION - City of Apopka**, property located at 225 East Keene Road. (Parcel I.D. # 21-21-28-00000-00-033 (1.57 +/- acres). The City Clerk read the title, as follows:

ORDINANCE NO. 2384

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 CITY OF APOPKA, LOCATED AT 225 WEST KEENE ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Dean, to accept the First Reading of Ordinance No. 2384, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

8. **ORDINANCE NO. 2385 - FIRST READING – CHANGE OF ZONING - Allan Akbar Ali, a/k/a All Akbar Ali**, from R-1A (0-5 du/ac) (Residential) to AG-E (0-5 du/ac) (Residential/Barns/Stables/Livestock) for property located east of Lakeville Road, west of North Hiawassee Boulevard, north of Foxwood Court (2277 Lakeville Road). (Parcel ID No: 23-21-28-0000-00-044). The City Clerk read the title, as follows:

ORDINANCE NO. 2385

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1A (0-5 DU/AC) to AG-E (0-5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF LAKEVILLE ROAD, WEST OF NORTH HIAWASSEE BOULEVARD, AND NORTH OF FOXWOOD COURT (2277 LAKEVILLE ROAD), COMPRISING 9.86 ACRES MORE OR LESS, AND OWNED BY ALLAN AKBAR ALI A/K/A ALL AKBAR ALI; 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 Dean, and seconded by Commissioner Ruth, to accept the First Reading of Ordinance No. 2385, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

9. **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, 03-21-28-0000-00-073, and 03-21-28-0000-00-119).

NOTE: This item was heard second under Ordinances and Resolutions.

10. **RESOLUTION NO. 2014-10 - ADOPTION - STREET NAME CHANGE** - Changing the name of the southern segment of the City street known as “Piedmont-Wekiwa Road,” between North Hiawassee Road and Apopka Boulevard, to “Armando Borjas Jr Way.”

NOTE: This item was heard first under Ordinances and Resolutions.

11. **RESOLUTION NO. 2014-11** - Imposing the uniform method of collections for non-ad valorem special assessments levied within the Mainline Village subdivision, an incorporated

area of the City of Apopka, and certifying the rate to the Orange County Property Appraiser and Tax Collector. The City Clerk read the title, as follows:

RESOLUTION NO. 2014-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ADOPTING A NON-AD VALOREN TAX ASSESSMENT ROLL FOR THE MAINLINE VILLAGE SUBDIVISION; PROVIDING DIRECTION TO THE FINANCE DIRECTOR FOR CERTIFICATION AND TRANSMISSION OF THE ASSESSMENT ROLL TO THE ORANGE COUNTY TAX COLLECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve Resolution No. 2014-11. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

12. **RESOLUTION NO. 2014-12** - Imposing the uniform method of collections for non-ad valorem special assessments levied within the Main Avenue Villas subdivision, an incorporated area of the City of Apopka, and certifying the rate to the Orange County Property Appraiser and Tax Collector. The City Clerk read the title, as follows:

RESOLUTION NO. 2014-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ADOPTING A NON-AD VALOREN TAX ASSESSMENT ROLL FOR THE MAINE AVENUE VILLAS SUBDIVISION; PROVIDING DIRECTION TO THE FINANCE DIRECTOR FOR CERTIFICATION AND TRANSMISSION OF THE ASSESSMENT ROLL TO THE ORANGE COUNTY TAX COLLECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to approve Resolution No. 2014-12.

Commissioner Kilsheimer opened the meeting for public comment.

Tenita Reid said she had read where the legislature had imposed a cap on assessments and inquired if this applied to special assessments for code violations. She further inquired if this was a set price or could it change.

Attorney Smith advised this was not a tax, but a special assessment. He advised that non-ad valorem does not follow the same caps or exemptions as Save our Homes.

Mr. Vavrek advised these assessments are pure costs solely for providing the service. This went through a bid process and the current bid was for a three year contract, but they do have an out should the costs rise.

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

13. RESOLUTION NO. 2014-13 - Imposing the uniform method of collections for non-ad valorem special assessments levied within the Cimarron Hills subdivision, an incorporated area of the City of Apopka, and certifying the rate to the Orange County Property Appraiser and Tax Collector. The City Clerk read the title, as follows:

RESOLUTION NO. 2014-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ADOPTING A NON-AD VALOREN TAX ASSESSMENT ROLL FOR THE CIMARRON HILLS SUBDIVISION; PROVIDING DIRECTION TO THE FINANCE DIRECTOR FOR CERTIFICATION AND TRANSMISSION OF THE ASSESSMENT ROLL TO THE ORANGE COUNTY TAX COLLECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve Resolution No. 2014-13. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

SITE APPROVALS - There were no site approvals.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report - Richard D. Anderson, City Administrator said his report was on the city's website and the Council had a copy before them and he would answer any questions.

MAYOR'S REPORT - Mayor Kilsheimer reported Janice Goebel, City Clerk, has announced her intention to retire from the City as of October 31, 2014, filling her dream of moving to North Carolina. He said he appreciates all she has done and stated she has done yeoman's work and has been a stalwart assistant during this transition.

Mayor Kilsheimer reported he had been approached by Richard Anderson in that he was interested in retiring from the City and transitioning into a new role wherein he would serve as a lobbyist and consultant. He advised an agreement has been reached and asked Attorney Smith to review these terms.

Attorney Smith reviewed the agreement, the first being with regards to the retirement. The next paragraphs relate to the transition of his contract for lobbying services, and project management for the Downtown project, the Hospital project, and Kelly Park DRI. He reviewed the job duties and advised he will be reporting to the Mayor. He affirmed in this role, Mr. Anderson will be an independent contractor.

Mayor Kilsheimer said that Mr. Anderson's new role in advocating, lobbying, and working on behalf of the city will put us in a strong position to be successful for the future.

In response to questions by Commissioners Arrowsmith and Dean regarding what cost this would be to the city and what process would be used to replace the position; Tom Callan, representing Mr. Anderson, said there was no additional expense with regards to the lobbying, this is being transferred to Mr. Anderson. He reviewed the expense involved with the project management. Mr. Anderson added that this was a \$140,352 savings to the city. Additionally Mayor Kilsheimer advised there would be a National search to fill the position of City Administrator.

MOTION was made by Commissioner Dean and seconded by Commissioner Velazquez to ratify this agreement. Motion carried by a four/one roll call vote with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Velazquez voting aye and Commissioner Ruth voting nay.

OLD BUSINESS

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

2. PUBLIC -

Ray Shackelford said he really appreciated the services of the City Administrator. He stated as they come to the final budget preparations, he again asked the Council to dig deep into the budget to try and find funds for a summer program for the youth, as well as an outreach program for the youth. He further inquired if the committee looking for a new City Administrator would be one of diversity.

Mayor Kilsheimer responded in the affirmative regarding the committee.

NEW BUSINESS

1. COUNCIL – Commissioner Dean inquired as to the progress of the project at 436/441.

Mr. Anderson advised it was progressing very well and they hope to have some resolve on this project to present in the very near future.

In response to an inquiry by Commissioner Ruth with regards to the cost involved with the remaining 9 contracts, Mayor Kilsheimer said these were employee contracts that were signed by Mayor Land and his conversations with the City Attorney are that they are valid contracts. Mr. Anderson added that the contracts would not cost anything unless the employee is fired without just cause. Commissioner Ruth also expressed concern regarding an environment that was created with some that are "double dipping" and how this will be addressed moving forward, to which Mayor Kilsheimer said these will be addressed on an individual basis as well as a policy level moving forward.

2. PUBLIC - There was no new business from the public.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 11:08 p.m.

_____/s/_____
Joseph E. Kilsheimer, Mayor

ATTEST:

_____/s/_____
Janice G. Goebel, City Clerk