

CITY OF APOPKA

Minutes of the regular City Council meeting held on December 21, 2016, at 7:00 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: Teresa Sargeant - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Reverend Richard King who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on December 19, 1776, Thomas Paine published a pamphlet *The American Crisis*, which is credited with inspiring Washington's battle worn troops to victory just days after its publication. Following months of defeats and brutally cold weather, Washington worried that most of his army would return home when their service contracts expired on December 31, 1776. Paine's message of perseverance arrived with little time to spare and General Washington commanded the pamphlet be read aloud to his beleaguered troops. The message was well received and the newly inspired troops crossed the Delaware to defeat the Hessians and General Cornwallis in a series of battles from Christmas to January 2. He asked everyone to remember the bravery, courage, and dedication of those who fought to win the freedom of our nation as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council workshop November 30, 2016.
2. Groundbreaking MMI Marden Road Interchange December 1, 2016.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve the minutes of November 30, 2016, and December 1, 2016. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

AGENDA REVIEW

Glenn Irby, City Administrator, advised that Ordinance No. 2531 is to be pulled from the agenda

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to remove Ordinance 2531 from the agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Katherine Marsh expressed concern regarding crime that has occurred at her home having had her jewelry box taken from her home in 2015, as well as another occurrence having an item removed from her garage as she was carrying groceries in. She said she has been a resident here since 1994 and has no desire to leave.

Naomi Grabish said she was eight years old and two years ago she wrote a letter to the Mayor regarding there being no Hanukah decorations. She stated we should think about everyone who lives in Apopka and she was disappointed that Apopka did not have a Menorah. She asked the City to put money in the budget so there can be a Menorah next year.

Erika Grabish, Naomi's mother, read a prepared statement stating she whole heartedly supports her daughter's efforts to ensure that true diversity of the City of Apopka is represented. She stated standing for diversity in every way possible, including our holiday decorations sends a message of true compassion of belief in a better world and in the real meaning of the words we speak every time we recite the Pledge of Allegiance. She also read a letter on behalf of Reverend Laura Viau of First Presbyterian Church offering support for Naomi.

Rod Love said the Apopka Task Force will be releasing its report in the very near future. He thanked the Commissioners that participated in the process. He acknowledged Bethune Cookman University for the time they contributed.

CONSENT (Action Item)

1. Authorize a Capital Facility Fees Payment Agreement with Emerson North Townhomes (136 Units).
2. Authorize the closure of roads for the annual Martin Luther King Parade.
3. Approve the sale of alcohol at City events.
4. Authorize an expenditure from Federal Law Enforcement Trust Fund for an Annual National Conference.
5. Approve a part-time Accounting Clerk position in the Finance Department.
6. Authorize the purchase of an EMC Storage Array and appliance for the City's virtual environment.
7. Authorize the purchase of four Pumps for sanitary sewer pumping stations.
8. Authorize the purchase of vehicles for the Construction, Water Maintenance and Sewer Maintenance Divisions.
9. Authorize the purchase of a vactor truck for the Sewer Maintenance Division.
10. Award a bid to Providence Construction and Development for the Ocoee Apopka Road Reclaimed Water System extension.
11. Authorize a Reclaimed Water Main Oversizing Agreement with the Silver Oak subdivision developer.

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

BUSINESS

1. Master Plan/Preliminary Development Plan – Vistas at Water's Edge.

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

David Moon, Planning Manager, provided a brief lead-in stating this was proposing the development of 147 single family residential lots and 21.52 acres of active and passive recreation space. He advised the entrance was off of Binion Road where it intersects with Harmon Road. There is also an emergency entrance to the south where Binion Road runs east to west. The applicant is providing a thirty foot landscape buffer along Binion Road, and the developer has agreed to construct an eleven foot wide multiuse trail within this landscape buffer. He pointed out other trail locations known as the east shore connectivity system. DRC and Planning Commission both recommend approval subject to the findings of the staff report.

In response to Commissioner Bankson, Mr. Moon advised the plan currently has a gated emergency access for emergency vehicles to Binion Road. He advised if Binion Road is realigned, the access to the site will be off site and the City will need to take planning action to ensure access to the south.

David Stokes was present on behalf of the applicant. He advised they had not yet determined if the garage would be a side or front entry. He also reviewed the location of the two dry retention ponds and swale, stating this meets SJRWMD standards.

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 the Master Plan/Preliminary Development Plan for Vistas at Water's Edge, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Final Development Plan – Tractor Supply.

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

Mr. Moon provided a brief lead-in stating this was 19,000 square feet of retail. He reviewed the location and advised that DRC and Planning Commission recommend approval.

Jeremy Henderson was present on behalf of the applicant 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 Velazquez, and seconded by Commissioner Bankson, to approve the Final Development Plan for Tractor Supply, as presented. Motion carried

unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2499 – Second Reading – Large Scale Future Land Use Amendment. The City Attorney read the title as follows:

ORDINANCE NO. 2499

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 (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PHILS LANE AND EAST OF GOLDEN GEM ROAD, COMPRISING 15.04 ACRES, MORE OR LESS AND OWNED BY JACK & JOYCE CRAVEY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Velazquez to adopt Ordinance No. 2499. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Ordinance No. 2510 – Second Reading – Code of Ordinances, Chapter 74 “Business Tax Receipts”. The City Attorney read the title as follows:

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.

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 adopt Ordinance No. 2510. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Ordinance No. 2511 – Second Reading – Code of Ordinances, Chapter 86 “Vehicles for Hire”. The City Attorney read the title as follows:

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.

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

MOTION by Commissioner Dean, and seconded by Commissioner Bankson to adopt Ordinance No. 2511. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. Ordinance No. 2531 – Second Reading – Annexation.
This ordinance was removed from the agenda.
5. Ordinance No. 2532 – Second Reading – Small Scale Future Land Use Amendment. The City Attorney read the title as follows:

ORDINANCE NO. 2532

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 (1 DU/ 10 AC) TO “CITY” RESIDENTIAL LOW SUBURBAN (3.5 DU/AC), FOR CERTAIN REAL PROPERTY LOCATED AT PLYMOUTH SORRENTO RD., COMPRISING 0.302 ACRES MORE OR LESS, AND OWNED BY CENTRAL FLORIDA EXPRESSWAY AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Becker to adopt Ordinance No. 2532. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. Ordinance No. 2533 – Second Reading – Change of Zoning. The City Attorney read the title as follows:

ORDINANCE NO. 2533

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” R-1A FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT PLYMOUTH SORRENTO RD., COMPRISING 0.302 ACRES MORE OR LESS, AND OWNED BY CENTRAL FLORIDA EXPRESSWAY AUTHORITY; 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 Bankson, and seconded by Commissioner Dean to adopt Ordinance No. 2533. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

7. Ordinance No. 2534 – Second Reading – Comp Plan Amendment – Capital Improvements Element. The City Attorney read the title as follows:

ORDINANCE NO. 2534

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; INCORPORATING THE ANNUAL UPDATE TO THE CITY’S FIVE YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Becker to adopt Ordinance No. 2534. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

8. Ordinance No. 2535 – Second Reading – Change of Zoning. The City Attorney read the title as follows:

ORDINANCE NO. 2535

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PHILS LANE, EAST OF GOLDEN GEM ROAD,

COMPRISING 15.04 ACRES MORE OR LESS, AND OWNED BY JACK AND JOYCE CRAVEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing.

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 adopt Ordinance No. 2535. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

9. Ordinance No. 2536 – Second Reading – Small Scale Future Land Use Amendment. The City Attorney read the title as follows:

ORDINANCE NO. 2536

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 RESIDENTIAL HIGH (0-15 DU/AC) TO COMMERCIAL (MAX 0.25), FOR CERTAIN REAL PROPERTY LOCATED AT 1351 TROPICANA CIRCLE, COMPRISING 6.4 ACRES MORE OR LESS, AND OWNED BY MARSHALL HOWARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Bankson to adopt Ordinance No. 2536. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

10. Ordinance No. 2537 – Second Reading – Change of Zoning. The City Attorney read the title as follows:

ORDINANCE NO. 2537

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (RESIDENTIAL) TO C-1 (RETAIL COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF ORANGE BLOSSOM TRAIL, NORTH OF KENNETH STREET, COMPRISING 6.4 ACRES MORE OR LESS, AND OWNED BY MARSHALL HOWARD; 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 Bankson, and seconded by Commissioner Becker to adopt Ordinance No. 2537. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

11. Ordinance No. 2538 – Second Reading – Small Scale Future Land Use Amendment. The City Attorney read the title as follows:

ORDINANCE NO. 2538

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-MEDIUM DENSITY RESIDENTIAL (0-10 DU/AC) TO “CITY” INDUSTRIAL (MAX 0.6), FOR CERTAIN REAL PROPERTY LOCATED AT 202 S HAWTHORNE AVE AND 300 W 2ND STREET, COMPRISING 0.74 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Dean, and seconded by Commissioner Velazquez to adopt Ordinance No. 2538. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

12. Ordinance No. 2539 – Second Reading – Change of Zoning. The City Attorney read the title as follows:

ORDINANCE NO. 2539

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-2 (ZIP) TO I-1 (RESTRICTED INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HAWTHORNE AVENUE, SOUTH OF 2ND STREET, COMPRISING 0.74 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, 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 Velazquez, and seconded by Commissioner Bankson to adopt Ordinance No. 2539. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

13. Ordinance No. 2540 – Second Reading – Change of Zoning. The City Attorney read the title as follows:

ORDINANCE NO. 2540

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” RCE-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 2228 VICK RD., COMPRISING 4.77 ACRES MORE OR LESS, AND OWNED BY SOUTH PASS 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 Velazquez to adopt Ordinance No. 2540. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

14. Ordinance No. 2541 – Second Reading – Right-of-Way Vacate. The City Attorney read the title as follows:

ORDINANCE NO. 2541

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE PORTIONS OF UNNAMED RIGHT OF WAY; LOCATED EAST OF HERMIT SMITH ROAD AND SOUTH OF GENERAL ELECTRIC ROAD; AND IN SECTION 06, TOWNSHIP 21, RANGE 28 OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean to adopt Ordinance No. 2541. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

Commissioner Becker recognized the Apopka Raptors for having two age groups play in the national championship this past weekend.

MAYOR'S REPORT – Mayor Kilsheimer said this has been a good year and he thanked all of the elected officials for the spirited discussions. He stated they have worked through the budget and they have made a lot happen. He also said he was very appreciative of the City staff.

ADJOURNMENT – There being no further business the meeting adjourned at 8:01 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk