CITY OF APOPKA

Minutes of the City Council regular meeting held on December 20, 2017, 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: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION – Mayor Kilsheimer introduced Pastor John Fisher of First United Methodist Church**,** who gave the invocation**.**

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on Christmas night 1776 General George Washington crossed the Delaware with 2,400 troops in hopes of surprising the Hessian forces camped out at Trenton, New Jersey. The Patriots descended on the Hessians early the next morning winning a crucial victory that restored the confidence of Washington's beleaguered troops, who went on to defeat the famed General Cornwallis and his army the following week at the Battle of Princeton. He asked everyone to remember the bravery and courage of those who fought to win the freedom of our nation as he led in the Pledge of Allegiance.

AGENDA REVIEW: There were no changes.

PUBLIC COMMENT

In response to Commissioner Becker to defer comments on medical marijuana to the Council item, Mayor Kilsheimer said he would prefer to take public comment up front. He said while he did not want to discourage anyone from speaking, but if somebody has stood and spoken about something you were planning to say, he would welcome the opportunity for a person to stand and state they waive in support what was previously stated.

Linda Laurendeau said she was going to talk about "Shop with a Cop", stating this event was last Thursday and they had one hundred children, and each child received $100 to shop for whatever they wanted at Walmart. She advised the police officers, on their own time, put on their uniforms, came to the store, and were paired with a family to go shopping. Near the end there were seven families that had not come and Captain David Call called one of the families to learn Mom had to go to work and there was no one to bring the children. He brought the children to the store to make sure they had an opportunity to shop and then took them home. She said this was the caliber of officers and public service we have in Apopka.

Maria Hurley said she was from Gainesville stating she has been a medical marijuana patient

for approximately eight months. She stated a medical marijuana treatment center (MMTC) looks much like a doctor's office, providing a clean and relaxing place to obtain your medicine, plus they were very secure. She explained they have a system called Canna Pay that ties to your debit card so that you are not required to carry cash. She said her experience with MMTC's has been very safe with informative staff. She declared there was nothing to fear about having dispensaries in the City, stating citizens have voted to have access to safe cannabis. She described illnesses of some people this is helping, and said cannabis has allowed many patients to get off of prescription opioids which is devastating our country.

William Phillips said he also is from Gainesville and came here to address Council on the process one goes through to become a patient on medical cannabis. He stated he understands the City's hands are tied by what the State legislation passed. He asked that the patient's access be granted, stating there were changes coming that will grant better ways for municipalities to control the situation. He said the security and safety on these sites was very strict and less likely to have crime occur than a bank.

Patricia Freitag said she was from New Port Richey stating she was a patient on medical cannabis describing her condition. She stated since starting medical marijuana she has gone from 33 pills a day to one, which is an allergy pill. She said she was here to represent over 50% of medicinal cannabis patients who are over the age of 55. She stated access is a problem as many have mobility issues creating issues to get to the nearest dispensary in order to get their medication. She advised delivery fees range from $10 to $40. She affirmed the legislation only allows a certain number of dispensaries based on population and each dispensary owner is only allowed up to 25 dispensaries. She asked that Council reconsider the ban.

Cody Lemonakis, owner of Green Shine Farms Florida which is a new and upcoming organic grower for the State of Florida, and he also owns CSL Lawn Care. He said medical cannabis was a truly amazing gift to mankind. He spoke of being forced to take medications for ADD, ADHD, and SLD, stating the pharmaceutical drugs helped him focus, but the negative side effects were worse than the disorder. He stated from what he knows from his training and experience as a law enforcement officer and from research and testimonies from patients who suffer, it is without a doubt that medical cannabis is a safer alternative. He stated being a prior law enforcement officer, the day to day stress of the job causes PTSD. He said CDB is a non-psychoactive ingredient in cannabis and it has shown great results in the ability to reduce stress and eliminate the effects of PTSD. He stated by allowing dispensaries in the City, people will have the ability to obtain access to their medication and come off of harmful pharmaceuticals.

Eryca O'Connor said she lives in Lake Mary and she believes it is imperative for Council to revisit Ordinance No. 2388. She said after Orange County listened to their constituents, they took into consideration what their residents were talking about. She spoke of the constitutional amendment for amendment 2 having the wording of no sanction, stating legislatures put that clause there to try and have local governments do exactly what they are now doing by not abiding with what the people have voted for. She said there were a lot of benefits that come out of medicinal marijuana and Council needed to put their differences aside and not restrict access to what the people have voted for.

Diana Brundage said she has lived in Apopka her entire life, graduating from Apopka High

School. She said she was raised in a very religious home with very devout parents having it instilled in her about treating our bodies as a temple with good nutrition and abstaining from alcohol and drugs. She said at the age of 23 she was diagnosed with rheumatoid arthritis and has been medicated on various treatments for 22 years. She stated she reconnected with friend she has known since age 5 and he is now a medical cannabis doctor. He suggested she come in to see him, which she did and he suggested she give a plant a chance. She decided to give it a try and to say her life has changed would be an understatement. She declared she has been pain free since October 13, 2017. She affirmed one of the only major problems she has with the medication is her access to it. She had to drive to Tampa to fill her first order and after that, the only facility open in Orange County was consistently out of the product due to high demand and not enough dispensaries. She stated she went nearly a week without the medication that she had a constitutional right to have. She said the sad thing was that she could have obtained a prescription from her rheumatologist for hydrocodone, oxycodone, or any of the other opioid based medication and had them filled at a drugstore within twenty minutes. She declared these medications are part of the opioid crisis in this country now.

Mayor Kilsheimer said upon reflection, he probably should have accepted Commissioner Becker's suggestion to hold public comment on medical marijuana until we get to that item of discussion. He stated he would like to hold the rest of public comment on the medical marijuana issue, and take care of the other business items. He took public comment on other matters.

Madeline Spencer lives in Emerson Park and wanted to see what the Council had to say about the documents she sent to them, about the private roads Emerson Park has, and how the City is going to protect the citizens of Emerson Park from all of the construction is planned. She stated she did not see anything in the documents she received giving Greystone or the townhouses the rights to use their roads and asked if there was such a documentation. She expressed concern about their roads from Ocoee Apopka Road into the subdivision and said the construction trucks were still driving through their subdivision.

Mayor Kilsheimer said there is a process the applicants go through and there will be an appropriate time for that discussion at the time it comes before Planning Commission and Council.

Ray Shackelford called upon the City of Apopka to use the VFW as an early voting place in the upcoming 2018 election. He said Council has done budget amendments in the past to fund other items and he called upon them to do a budget amendment to fund the VFW as a site for early voting. He also supported reconsidering the ban on medical marijuana.

Pastor Richard King expressed his gratitude to the City Clerk and City Administrator for responding to their request to remove debris from the Edgewood/Greenwood Cemetery and removal of the tree that was by his wife's grave. He asked when construction would begin on Alonzo Williams Park and the anticipated finish date. He asked if it would be possible during the process to keep them informed of the progress in the newsletter in the utility bills.

City Administrator Irby said the ITB went out and was posted this week and it has to be out for 30 days and will take approximately 15 - 30 days after receipt to review, evaluate, and rank the bids. Following that process a recommendation will be presented to Council. He advised the

City's website is often used to keep the public updated on such projects.

Mayor Kilsheimer advised the City can also provide an update in the newsletters.

Barbara Brown said she was a resident of Apopka and her concern is downtown Apopka, asking when the downtown was going to receive a facelift. She said the beauty of coming in to a city stating you are proud to live in Apopka was needed, stating it was rather drab other than the bridge that was built.

Mayor Kilsheimer asked that Jim Hitt meet with Ms. Brown to provide her with information on all of the plans coming forward for the City of Apopka.

Tammy Hoover spoke stating she was against the attempt to amend the alcohol ordinance.

CONSENT (Action Item)

1. Approve the Traffic Enforcement Agreement with Belmont Reserve HOA.
2. Approve the purchase of new fleet vehicles for multiple departments.
3. Approve the purchase of new heavy equipment for the Public Services, Utilities Construction division

In response to Commissioner Dean inquiring why the dealership in the City was not used for the vehicles, Mr. Irby advised the Sheriff's contract and the dealerships on that contract are already vetted in the State of Florida rules. Any vehicle purchased through Mullinax Ford would be more than the State contract.

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

BUSINESS (Action Item)

1. Replat – Northwest Distribution Center II – Lots 3 & 4. Project: Oakmont Apopka Road LLC – West of Ocoee Apopka Road, east of SR 451, north of SR 414.
   Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

   David Moon, Planning Manager, said this application is for a replat of the Northwest Distribution Center. He advised approximately a year ago the City Council approved a Final Development Plan that requires a replat of a portion of the existing subdivision comprising the Northwest Distribution Center. He said a building currently under construction and ready for a Certificate of Occupancy straddles the line and this replat will eliminate a situation where a building sits across two parcel lines. DRC and the Planning Commission recommend approval of this replat.

   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 Replat of the Northwest Distribution Center II, Lots 3 & 4. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Final Development Plan – KMG Fence New Headquarters. Project: KMG Fence, LLC c/o Karen & Joe Grimsley – NW corner of Johns Road and Bradshaw Road
Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

   Pam Richmond, Senior Planner, provided a brief lead-in of the project, reviewing the location on a map. She said it is comprised of two of the six parcels located within the Johns Road Commerce Park approved by the City in 2009. She reviewed the surrounding property zoning and uses. She advised the building is 12,000 square feet and the front 3,000 square feet will serve as the office, with the remaining being used for warehouse. The Planning Commission recommended approval at their December 12, 2017 meeting.

   MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve the Final Development Plan for KMG Fence New Headquarters. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Final Development Plan – Adams Brothers Construction Company. Project – Adams Brothers Construction Co., 13th Street, between Tilden Av & South Apopka Blvd.
Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

   Ms. Richmond reviewed the location of the project site and reviewed the surrounding properties on a map advising the area is 1.96 acres. She advised it was determined the 42 parking spaces will sufficiently serve the site. The Planning Commission found the plan to be consistent with the LDC and Comprehensive Plan and recommends approval.

   David Kiltz, Civil Engineer and representing the applicant, responded to Commissioner Dean's inquiry about irrigation, advising the site will have irrigation.

   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 approve the Final Development Plan for Adams Brothers Construction Company as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2583 – Second Reading, Large Scale – Future Land Use Amendment. Project: George Thum, Jr. and Phillip and Peggy Dionne – Located west of Jason Dwelley Parkway, S of W Kelly Park Road. The City Clerk read the title as follows:

ORDINANCE NO. 2583

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 "COUNTY" RURAL (0-1 DU/10 AC) AND "CITY" AGRICULTURE (0-1 DU/10 AC) TO "CITY" INSTITUTIONAL/PUBLIC USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF JASON DWELLEY PARKWAY AND SOUTH OF WEST KELLY PARK ROAD, COMPRISING 15.17 ACRES, MORE OR LESS AND OWNED BY GEORGE THUM, JR. AND BY PHILLIP AND PEGGY DIONNE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2583. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Ordinance No. 2584 – Second Reading - Change of Zoning/PUD Master Plan - Project: East of Ocoee Apopka Road, north of McCormick Road - Oak Pointe South (aka Thompson Hills Est.). The City Clerk read the title as follows:

ORDINANCE NO. 2584

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT (OAK POINTE); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF MCCORMICK ROAD AND EAST OF STATE ROAD 429, COMPRISING 69.7 ACRES MORE OR LESS, AND OWNED BY THOMPSON HILLS ESTATES LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing and witnesses were sworn in by the clerk.

Mr. Moon advised at the first reading Council had approved two additional conditions on the project and these have been added to the PUD ordinance under Condition D-7 and D-11. These conditions were presented by Attorney Richard Geller at the last meeting.

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 adopt Ordinance No. 2584 with conditions as recommended. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Ordinance No. 2606 – Second Reading – Small Scale – Future Land Use Amendment – Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road. The City Clerk read the title as follows:

ORDINANCE NO. 2606

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 LOW TO OFFICE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WEKIWA SPRINGS ROAD, NORTH OF SEMORAN BOULEVARD, COMPRISING 1.06 ACRES MORE OR LESS, AND OWNED BY MOORWOLF LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner, said there have been no changes since the last reading.

Mayor Kilsheimer opened the meeting to a public hearing.

Carol Adams asked for clarification of the stipulations on drainage stating she wanted to make sure the code was adhered to and that the size of the building was reduced from 13,000 square feet to 7,000 square feet, asking if this needed to be in the Planning Commission or Council minutes.

Mr. Martinez advised he had been contacted by Ms. Adams and she requested the minutes of the Planning Commission. He advised the minutes were being finalized by the recording secretary.

Mr. Moon advised the next ordinance is quasi-judicial matter and under the site plan requirements, the drainage and building will be addressed at that point.

Peter Dailey with Daily Design represents the Moorwolf Group and said he has nothing further to add to the record, but what he had stated at the first reading about drainage and the building size stands.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to adopt

Ordinance No. 2606. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. Ordinance No. 2607 – Second Reading – Change of Zoning – Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road. The City Clerk read the title as follows:

ORDINANCE NO. 2607

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" R-1 (ZIP) (RESIDENTIAL) TO "CITY" PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WEKIWA SPRINGS ROAD, NORTH OF SEMORAN BOULEVARD, COMPRISING 1.06 ACRES MORE OR LESS, AND OWNED BY MOORWOLF LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing and witnesses were sworn in by the clerk.

Phil Martinez said there have been no changes since the last reading.

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

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2607 Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. Ordinance No. 2609 – Second Reading – Change of Zoning – Project: Paul and Kimberly Rehn - Located at 2393 Appy Lane. The City Clerk read the title as follows:

ORDINANCE NO. 2609

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AAA (RESIDENTIAL) TO AG-E (AGRICULTURE ESTATE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF JASON DWELLEY PARKWAY, NORTH OF APPY LANE, COMPRISING 10 ACRES MORE OR LESS, AND OWNED BY PAUL AND KIMBERLY REHN; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing and witnesses were sworn in by the clerk.

Mr. Martinez said there have been no changes since the last reading.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Dean, to adopt Ordinance No. 2609. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. Ordinance No. 2612 – Second Reading – Amending City of Apopka Code of Ordinances – Project: Part II, Chapter 6 – "Alcoholic Beverages". The City Clerk read the title as follows:

ORDINANCE NO. 2612

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA; AMENDING CERTAIN SECTIONS OF CHAPTER 6, "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, PROVIDING FOR CITY ADMINISTRATOR APPROVAL OF CONSUMPTION OF ALCOHOLIC BEVERAGES FOR EVENTS ON CITY OWNED PROPERTY WHERE A LEASE OR RENTAL AGREEMENT HAS BEEN AUTHORIZED BY CITY COUNCIL FOR SUCH PROPERTY; AMENDING DISTANCE RESTRICTIONS ON THE SALE OF ALCOHOLIC BEVERAGES IN PROXIMITY TO SCHOOLS; ELIMINATING DISTANCE REQUIREMENTS ON THE SALE OF ALCOHOLIC BEVERAGES IN PROXIMITY TO GOVERNMENT BUILDINGS AND CHURCHES; ELIMINATING DISTANCE RESTRICTIONS BETWEEN ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR LOCATION OF SALES ON CITY-OWNED PROPERTY; AMENDING RESTRICTIONS REGARDING THE HOURS THAT ALCOHOLIC BEVERAGES CAN BE SOLD; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Jim Hitt, Community Development Director, pointed out a scrivener's error on page 8 of the ordinance where City Council voted to change the sale of packaged beverages from 9:00 a.m. to 7:00 a.m., one of the changes was missed and this will be corrected.

Commissioner Bankson said his concern was the broad brush of this, stating he knows the goal is to bring in establishments that are not negative, but his concern is that we cannot stop all of the elements. He said he understood the change in buffer to the downtown areas, but is concerned that this is removed for all churches and daycares. He asked for parks, that there be no open consumption unless it is a city approved event.

Mr. Hitt responded in the affirmative.

Mayor Kilsheimer opened the meeting to a public hearing.

Derek Ryan said he was a lifelong resident of Apopka and asked if this was related to

attracting businesses such as breweries to downtown. He also inquired as to the concern regarding churches, schools, and daycares.

Mayor Kilsheimer advised it was easing the restrictions on establishments that sell alcohol so we can attract businesses to the downtown district such as a brew pub. The other amendment is expanding the hours packaged beverages can be sold by local businesses such as grocery stores.

Commissioner Bankson said the buffer had been 750 feet for all, now it has been removed for all except schools which is 500 feet.

Hezekiah Bradford thanked the Mayor and Commissioner Becker for their donation to the Ministerial Alliance for the Martin Luther King Parade. He said his concern with this ordinance is that after prior changes, this is coming up again for additional changes. He stated in his discussions with police officers, their number one crime for stopping people is alcohol and he expressed concerns regarding drunk driving and added crime in the area with expanded hours.

Benjamin Bankson said he understands school buffers, but how will this affect daycares and churches or centers for families. He stated it is a concern having no buffer and feels there should at least be the same buffer for daycares as for schools.

Nicole Alice lives in Altamonte Springs, but she was a ten year resident in Apopka and she currently works at a daycare. She expressed concerns of people who consume alcohol and walk around or near daycares and how this affects children. She agreed there should also be buffers around family centers and daycares.

Pastor Darrell Morgan said he agreed with Pastor Bankson that there has to be boundaries to churches, daycares and family centers. He stated everywhere he goes people speak of Apopka as the best place in Central Florida to raise children. He asked that they consider putting children above business and consider the buffers.

Tenita Reid is a resident of Apopka and she is strongly opposed to the alcohol ordinance amendments allowing alcohol establishments next to churches and daycares or government buildings without any buffer zones. She said she was strongly opposed to sales being allowed closer to schools. She stated she was opposed to allowing sales of alcohol at 7:00 a.m., especially on Sunday, or expanding the hours to 2:00 a.m. She said drinking causes serious problems for our community and stated if this is approved, the city is heading in the wrong direction.

Rebecca Holler said she was against this for the reason of seeing students passing away from drinking and driving. She spoke of an inebriated man coming toward her when she was walking to her car one evening from church. She disagreed with taking the buffer from churches.

Eryca O'Connor said people are going to drink regardless of what type of imaginary line you put around alcohol sales. She said she has three children and where she lives in Lake Mary

there are no buffers for businesses that sell alcohol and the city approves any special events. She said she has never seen an issue and reiterated people were going to purchase alcohol regardless.

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

Commissioner Becker said from Mrs. Brown's point earlier about the downtown areas, trying to revitalize our downtown area includes establishments that sell alcohol. He pointed out the prior buffer of 750 feet did not allow any establishments to come in to downtown and by eliminating these buffers and decreasing the buffer to schools will allow some of those types of businesses to come to downtown Apopka. He said the 7:00 a.m. was more for a grocery store and to create a better buying experience for people that live in the city. He said while he was empathetic to the various stories, but we have had this ordinance in place and it has not prevented these things from happening. He said the public safety agency can police those establishments to make sure the residents are safe. He said he supported the ordinance as written.

Commissioner Bankson said there were circumstances and reasons to have the buffers and the other institutions deserve that protection. He said it was too broad based for him.

In response to Commissioner Velazquez asking what determined the change in distance, Mr. Hitt advised a lot of the blocks were less than 750 feet and this could create a cone area prohibiting businesses from going in. He advised he was not aware of any state standard for schools.

Mayor Kilsheimer pointed out other municipalities, such as Winter Park, have broad businesses and they all peacefully coexist, which is what we are aiming for here.

MOTION by Commissioner Becker, and seconded by Commissioner Kilsheimer, to adopt Ordinance No. 2612. Motion carried 3-2 with Mayor Kilsheimer, and Commissioners Velazquez, and Becker, voting aye and Commissioners Dean and Bankson voting nay.

7. Ordinance No. 2613 – Second Reading – Annexation – Project: Iglesia El Getsemani, Inc. – 2575 West Orange Blossom Trail. The City Clerk read the title as follows:

ORDINANCE NO. 2613

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 IGLESIA EL GETSEMANI INC. LOCATED AT 2575 WEST ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt advised there have been no changes since the last meeting.

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. 2613 at Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

8. Ordinance No. 2614 – Second Reading – Annexation – Project: Orange County – East Sandpiper Street (from Thompson Road to approximately 546 feet east of North Park Avenue). The City Clerk read the title as follows:

ORDINANCE NO. 2614

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 PUBLIC RIGHT-OF-WAY KNOWN AS EAST SANDPIPER STREET SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF NORTH PARK AVENUE AND EAST OF THOMPSON ROAD, AND COMPRISED OF APPROXIMATELY 8.4 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt said there have been no changes since the last meeting.

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. 2614. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

9. Ordinance No. 2615 – Second Reading – Annexation – Project: Orange County – Johns Road (East of Binion Road). The City Clerk read the title as follows:

ORDINANCE NO. 2615

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 PUBLIC RIGHT-OF-WAY KNOWN AS JOHNS ROAD SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF SOUTH BINION ROAD AND EAST OF JOHNS ROAD, AND COMPRISED OF APPROXIMATELY 1.05 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR

DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mr. Hitt said there have been no changes since the last meeting.

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. 2615. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

10. Ordinance No. 2616 – Second Reading – Annexation – Project: Orange County – General Electric Road (from West Orange Avenue west approximately 1,417 feet). The City Clerk read the title as follows:

ORDINANCE NO. 2616

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 PUBLIC RIGHT-OF-WAY KNOWN AS GENERAL ELECTRIC ROAD AND PARCEL I.D. NUMBER 06-21-28-7172-02-401 SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF HERMIT SMITH ROAD AND EAST OF WEST ORANGE AVENUE, AND COMPRISED OF APPROXIMATELY 2.3 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF APOPKA; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt said there have been no changes since the last meeting.

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. 2616. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

1. Request to discuss policy revisions on Ordinance 2388 concerning medical marijuana. Mayor Kilsheimer recognized State Representative Carlos G. Smith.

State Representative Carlos G. Smith said he represents East Orlando House District 49 in the Florida Legislature and said he appreciates the opportunity to offer his perspective on what happened and why Tallahassee gave the options they are faced with on medical cannabis

dispensaries. He said to offer full disclosure, he voted no on the implementing law, stating he voted no, not because he opposed medical cannabis. He said he supports medical cannabis and he supports Amendment 2 like 71% of Florida voters. He voted no because many of the provisions in 8A passed by the legislature were very problematic, particularly around the inflexibilities local governments have been given on how to regulate medical cannabis dispensaries. He stated patients were leaving dispensaries either with pills, liquid, or some sort of edible. He said he was very worried about what Tallahassee intended to do with these options. He declared they intended to set a trap for local government wanting voters to blame someone other than Tallahassee for a botched implementation law. He said they believed voters would blame the local government and not the state for banning dispensaries. He said this debate was not whether medical marijuana was legitimate, the voters already decided and it is now their constitutional right to this medicine if they are a qualified patient. He stated the unintended consequence of a dispensary ban is that qualified patients will now have to travel longer distances to get access to the medicine, pay more out of pocket costs, either in transportation or delivery fees, and that can be the difference in whether they get their medicine or they don't. He said qualified patients are patients with ALS, PTSD, Parkinson's, HIV, or cerebral palsy, pointing out many of the patients are those who have mobility issues. He stated because of Federal Law, insurance companies do not cover medical cannabis as medicine and will not reimburse or cover any of the costs. He asked Council not to let a dispensary ban in Apopka be the last straw that prevents some of these qualified patients from accessing their constitutional right to this medicine.

Commissioner Bankson said from what he read this was not allowed to be smoked, other than vaping.

Representative Smith responded in the affirmative. The Legislature banned the patient's ability to access the flower entirely or smoke the product. He reviewed the various accessible ways to obtain medical cannabis and said these dispensaries are pharmacies.

Commissioner Bankson said Apopka had come up with a solution to this until the State tied our hands. He stated our law enforcement provided a number of reasons on why they needed to be cautious of how they approach this.

Representative Smith said one thing to keep in mind, because there is a ban on the flower and the plant, the job for law enforcement has been made quite easy. The reality is if someone has a green plant, they did not obtain it through the medical cannabis law.

Gary Stein said he lives in Pasco County and is the Political Director of Central Florida Chapter of NORML, which is the national organization for reformation of marijuana laws, and he is also a patient advocate, a subject matter expert, a cannabis and caregiver to a lovely lady who lost her eyesight because she did not have access to the medicine. He said he has a lot of friends in Apopka who have asked him to speak on their behalf. He said this was about getting well and having a quality of life. He said he was here to help in this endeavor and said dispensaries were not a public safety issue. He declared the only way it was a gateway drug was if a black market was involved. By offering legal access to this medicine, the black market moves elsewhere.

Rod Love said they understand what the Legislature did and he appreciated Representative Smith articulating that. He said the educational aspect was very important and said the University of New Mexico released a study last month regarding how the use of medical marijuana has reduced opioid use. He stated they heard rezoning for alcohol today and declared that medical marijuana saves lives.

Dr. Genester Wilson-King said she lives in unincorporated Orange County and she has been a physician for twenty years. She is a member of the Board of Directors for the Society of Cannabis Clinicians. She stated she gives expert opinions in cases which patients are arrested for the possession of cannabis. She affirmed that every case brought to her, the charges have been dismissed. She said she is a medical director for one of the MMTC's. She stated she was here to allay some of the fears that might be involved in having a dispensary in the area. She said these patients are not people who want to get high, or people who do not want to work, but people who want to be productive, contributing citizens. She declared using medical cannabis was very helpful and allows patients to get off of drugs that prevent people from functioning. She stated studies show that cannabis decreases the alcohol intake in communities and it is an out drug for opioids. She advised that cannabis was one of the most therapeutic drugs known to mankind.

Jose Belen said he was from Lake Mary and he is a United States Army combat veteran, honorably discharged in 2005. He stated at that time he began his 13 year battle with PTSD and this battle has nearly taken his life via suicide many times over. He said he was given prescription medications by the VA that pushed him closer to suicide and the one medicine that has helped him not leave his wife a widow or his children without a father has been medicinal cannabis. He stated his research has revealed that Apopka has 3,017 veterans within its community. He said law enforcement officers injured in the line of duty silently battle PTSD and this is a very dangerous situation. He declared while he silently battled this disease he was one of the number one insurance professionals in corporate America. He said medicinal cannabis has nothing to do with getting high and it helps him to run the organization he founded called Mission Zero that helps and is dedicated to ending veteran suicide. He asked City Council to pass this.

Derek Ryan said he was a lifelong citizen of Apopka and he has spoken here before on this issue. He stated there has been a lot of good discussion and he follows the concept of the KISS theory. He said this was a simple issue, it is not about illegal drugs, home rule, or zoning. He stated this was about sick human beings who want all access to medical cannabis, a legal medication. He asked that Apopka allow dispensaries.

Monique Zimmerman said she is blind, she is from Wesley Chapel, and she was here on behalf of a friend who lives in Apopka who is also blind. She stated this friend would find it a godsend to have a dispensary close by and spoke of how difficult it is to use public transportation. She said with being blind, if there is a mistake in a delivery, you would not know until you opened the package and began to use it, resulting in additional fees that are not affordable. She asked for a dispensary in the area to make it easier for this friend. She stated she was not a drug addict and uses this medication to relieve the pressure in her eyes.

Benjamin Bankson said he was not against the potential medical usage, but he was speaking

from a different perspective. He stated there is the potential for it going beyond medical uses and when it comes to these kind of things, marijuana is often projected as a completely benign substance and he does not feel that is absolutely accurate. He said while there may be some benefits, he thinks the other side of the coin needs to be discussed on some of the downsides. He stated while the subject tonight may be medical marijuana, what he is saying may not be relevant to this particular discussion, but he did want it to be in the public eye in terms of marijuana specifically. He said not all uses of marijuana are medicine, stating we also have dopamine receivers in the body and that does not mean we should be taking drugs. He said while many have referenced alcohol, you cannot really compare these, as alcohol can be metabolized by the body and THC cannot. He declared he was talking about the potential progression toward recreational use of marijuana and by opening a dispensary that is not part of a pharmacy, are we creating an atmosphere of acceptance of recreational later on.

Nicole Alice said she believes children are our future and she recently read where many parents have medical marijuana are dealing with parent custody issues, and spoke of a pregnant woman using medical marijuana having her child test positive could potentially have the child taken away. She said a child's brain is still forming and use of medical marijuana can affect the functioning and behavior of a child. She said many people want to move to Apopka because it is so family oriented. She said she was against the dispensaries.

Michael Wolf said he was a resident of Apopka having moved here five years ago. Prior to moving here he was active with the fire department for 26 years where he previously lived and he was an EMT. He saw firsthand what happens to people who are under judgement influencing substances. He stated he did not feel dispensing would enhance the City of Apopka. He said many who spoke in favor do not live in Apopka.

Bob McQueen said he was an Apopka resident and there were a lot of people outside of Apopka trying to persuade us to have medical marijuana treatment centers in Apopka. He stated he would argue to uphold the moratorium and not revisit this decision. He said medical associations around the world agree that any medicines should be determined in the lab by a scientific process. He said they did not vote for antibiotics or cancer drugs, they do not smoke opium to reap the benefits of morphine, nor do they chew willow bark from trees to receive the effects of aspirin. He said a recent study revealed the average patient of a medical marijuana treatment center was a 32 year old white male with a history of drug and alcohol abuse and no history of a life threatening disease. He declared he did not want someone like this hanging around his home. He stated recent studies were beginning to find a link between medical marijuana and increased drug use.

No others wishing to speak, Mayor Kilsheimer closed public comment.

Commissioner Becker thanked Council for entertaining this conversation tonight. He thanked the people from outside Apopka for coming here as they have added factual content to the discussion at hand. He stated 70% of our population overwhelmingly voted to make this a legal product and for them to discuss whether it was legal or not was a moot point. He said he was passionate about the compassionate use of medical marijuana, but this does not mean he is not compassionate about crime. He said this product helps address so many medical issues and has positively impacted the lives of many in attendance. He referenced studies that state

the density of medical marijuana dispensaries was not associated with violence or property crime rates. He stated this was due to the security measures that a dispensary takes to reduce crime. He referenced studies, including one where 70% of law enforcement supported the idea of having medical marijuana, or both medical marijuana and recreational marijuana legal within their areas. He pointed out that the application to apply for a license to open a medical dispensary in the State of Florida was eleven pages long and within those pages there was a lot of criteria that has to be provided showing accountability, locking options for ingress/ egress, alarm systems, video surveillance, layout and dimension of each room, how the product will be stored so it is safe and not penetrable. He declared this application turned into over 750 pages when Knox Nurseries applied to the State of Florida. In order to be considered as a medical treatment center or a dispensary, an operation has to be a nursery in the State for 30 continuous years. He affirmed that he had an opportunity to visit the dispensary at U.S. 441 and John Young Parkway, stating he was beyond impressed. He said this was more secure than a pharmacy where you would have drugs that are more highly addictive and harmful to your body than medical marijuana. He advised if a patient did not come with cash, there is an ATM behind a secured door they would be able to access, and there is the Canna Pay option which is an app you can have on a cell phone, He said a minimum delivery fee can be 25 – 30% of the total transaction paid to have it delivered to your house. He also stated he took exception to the fact that he does not have an idea of what it means to consider youth, stating he had three young daughters, ages 9, 6, and 4 years of age. He said he would worry about the health issue versus any sort of developmental or learning situation as this is about the health of the people who need, use medical marijuana, and depend on it. He reiterated that these businesses are very legitimate, long term businesses that are not going to jeopardize the cities in which they transact by having a business that is not safe. He recommended revoking the ban and entertain good sound legislation and policy for the residents of Apopka. He said Orange County did pass it unanimously and there is potential for these establishments within the city borders.

City Attorney Shepard said if Council decided to have a modification of some kind, the procedure would be to put together an ordinance to modify and it would take two readings. He said he would check data input from what other governing bodies have done and try to make it consistent with what Council's wishes are. He advised the key to the legislation is that it has to be regulated in a way that is no different than pharmacies. He affirmed the City is left with the option to either ban or allow dispensaries.

Mayor Kilsheimer said the direction Council is trying to give to the City Attorney and staff is whether to modify the ordinance or to leave it alone.

City Attorney Shepard advised Council will need to direct in what way to modify the ordinance, as it will have to be modified in a way that will also modify what they do with pharmacies.

Commissioner Becker suggested modifying Ordinance No. 2388, keeping the geographical areas that are already outlined within the Ordinance, stating that rather than referring to dispensaries as an entity, it is more the dispensing of medical marijuana. He stated this would be applicable to both pharmacies and dispensaries because the State Law does not put a definition around medical marijuana treatment centers.

Mayor Kilsheimer said it was fair to say the City Attorney will have to research before he can give a definitive answer tonight.

City Attorney Shepard said that was a fair statement and said the issue that may be honed in on, is that while it is an attempt to be like pharmacies, it is not as pharmacies have to be governed by Federal Law if they want to get insurance money and unless this changes, pharmacies will never be dispensing medical marijuana. He declared sincere people are being sued for what is coming next and this concerns him for which he feels a responsibility as a leader.

Mayor Kilsheimer said for him it remains a zoning issue because you have only one choice, to ban or not ban. His sole objection prior to considering the ban was that all other jurisdictions were going to ban dispensing and the zoning issue went away when Orange County voted to allow dispensaries. He pointed out there are many locations in Apopka that dispensaries could be located on land that is unincorporated Orange County. He declared since Orange County has decided not to ban dispensaries in unincorporated Orange County, it makes no sense for Apopka to continue banning medical marijuana dispensaries. He affirmed he was in favor of modifying the ordinance.

Commissioner Bankson said the only way to rationally deal with this is to defuse emotion and really look at the heart. He said there was a ditch on both sides of the road and this was not a debate about the benefits of medical cannabis. He stated with all medications there are pros and cons and when one is suffering severely it is worth trading to get the relief one needs. He asked how they can keep it from being in all the places it could be. He said there was a huge lobby across the United States to try and make recreational use legal. He stated if the City can deal with zoning and keep this for those who genuinely need medical cannabis for those who need relief and help.

City Attorney Shepard said currently dispensaries are not allowed and if not allowed goes to allow it has to be allowed in the same way pharmacies are allowed. He advised in order to properly implement this constitutional amendment and the state statute that has been provided, as written now, you would have to allow in the same places as a permitted use like pharmacies. If amending to try and limit the area where medical marijuana dispensaries can go, any future pharmacy as well as any dispensary would have to be zoned or have a limitation on zoning so that what previously was permitted would not be permitted in the future.

Commissioner Becker suggested drafting a policy that limits the areas in where you can dispense this product. He said there were three key facilities that make up the medical marijuana treatment center: 1) the cultivation center; 2) the processing center; and 3) the dispensing facility. He stated if they say you can only dispense in those two geographic areas, this Council has previously supported, is what he is proposing.

City Attorney Shepard reiterated the intended consequence of what the legislature did was to not make that possible. The question being raised is, did they do a good job, or did they leave a loop hole. He stated he would research and provide as informed an opinion as he can.

Mayor Kilsheimer said this come back to a simple question of do they give direction to staff to modify the ordinance or they don't modify the ordinance.

MOTION by Commissioner Becker, and seconded by Commissioner Dean to instruct staff to make revisions to Ordinance 2388 to allow for medical marijuana treatment centers in the city limits and to move toward eventual revocation of Ordinance 2582 that bans medical marijuana treatment centers in the City. Motion carried unanimously with mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

MAYOR'S REPORT – Mayor Kilsheimer reported with Monday being Christmas, there would be no garbage pickup that day. Regular garbage pickup will resume on Thursday for those who have Monday schedules.

ADJOURNMENT: There being no further business, the meeting adjourned at 10:28 p.m.

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Joseph E. Kilsheimer, Mayor

ATTEST;

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Linda F. Goff, City Clerk