

CITY OF APOPKA

Minutes of the City Council regular meeting held on September 6, 2017, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Doug Bankson
Commissioner Kyle Becker
City Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Executive Pastor Kevin Willis of Grace Pointe Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said this past Sunday marked Apopka's 135th Anniversary. Citizens in this area voted on September 2, 1882, to incorporate as a municipality. The city limits were charted one mile in each direction from the Orange Lodge, a historic site now located on U.S. Highway 441 in downtown Apopka. The borders at that time included 26 voting citizens. He gave some references to that year to include: the President of the United States was Chester Arthur; Thomas Edison's new electric company lit up a square mile of lower Manhattan, and served electricity to 200 customers; the old west outlaw Jessie James was killed in St. Joseph, Missouri; and the New York, Chicago, and St. Louis railroads ran the first trains from Buffalo, New York to Chicago. He asked everyone to reflect upon the events that transpired in the founding of our great City as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

- 1. City Council workshop meeting July 13, 2017.**
- 2. City Council workshop meeting July 17, 2017.**
- 3. City Council workshop meeting July 18, 2017.**
- 4. City Council regular meeting August 16, 2017.**

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve City Council minutes of July 13, 2017, July 17, 2017, July 18, 2017 and August 16, 2017 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: Glenn Irby, City Administrator, announced there was a change with Item 6 on the Consent Agenda and a new staff report has been handed out that includes additional street repaving. Mayor Kilsheimer also noted that the applicant under Ordinance No. 2565 has requested a continuance.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment: There was no public comment.

Employee Recognition:

1. Ten Year Service Award – Khadine Shah Davis – Police/Field Services – The Commissioners joined Mayor Kilsheimer in congratulating Khadine on her years of service.
2. Fifteen Year Service Award – Edith Torres – Community Development/Planning - The Commissioners joined Mayor Kilsheimer in congratulating Edith on her years of service.

CONSENT (Action Item)

1. Authorize the disposal of surplus equipment/property.
2. Authorize a \$1,500 donation from Law Enforcement Trust Funds to Apopka High School.
3. Approve a street light agreement for Poe Reserve homeowner's association.
4. Approve a street light agreement for Hillside at Wekiva homeowner's association.
5. Approve a street light agreement for Rock Springs Estates homeowner's association.
6. Authorize a piggyback contract with Middlesex Corporation for street resurfacing.
7. Authorize an Interlocal Agreement with Orange County for the transfer of jurisdiction of East Sandpiper Street.
8. Authorize a utility service area territorial boundary agreement between the City and Orange County.
9. Award a bid to MGT Consulting Group for a classification and compensation study.

Jay Davoll, Public Services Director, explained that the new staff report provided for Item 6 shows the addition of Nancy Lee Lane to the resurfacing list.

Discussion was held on Items 1, 6, 7, and 9.

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

BUSINESS

1. **Authorize Sensus to implement a Single Sign-on Solution for the Utility Billing online payment site.**

Robert Hippler, Information Technology director, said this request was to work with Sensus to create a single sign-on from the Edmund's portal for the customers to be able to review water consumption. He advised with the single sign-on the customer will log into their current payment site and there will be a link to authenticate to the site that will provide daily and weekly usage, and many variations as well as the ability to set alerts. He explained this replaces a graph that was utilized with the previous utility billing software.

In response to Commissioner Bankson inquiring if there was an outcry for this service to be added on, Mr. Hippler responded in the affirmative stating there was a service with the prior software customers utilized.

Mayor Kilsheimer said the City has fielded a fair number of complaints asking where this service went. He stated this method will be a much more seamless way for the customers to be able to access this information.

Commissioner Becker inquired if they had tiered pricing versus \$2.00 per user, to which Mr. Hippler said he would have to check on that, stating there were 22,500 users and Sensus will provide an initial 1,500.

Mayor Kilsheimer said we were trying to be responsive to our customers requesting this information and provide them with a seamless experience. He stated we did not have enough user data to determine how many customers will utilize this data.

Commissioner Bankson inquired if the cost of \$2.00 per user was for the year. Mr. Hippler responded in the affirmative.

Commissioner Becker inquired if the quote for five years was a binding term agreement and suggested negotiating for an annual renewal since there is a potential of going over. Mr. Hippler said he would look into this.

Mayor Kilsheimer asked the City Attorney if they were going to negotiate this, would they have to negotiate before voting.

City Attorney said negotiating prior to voting was one way, and a second way would be to say this is our counter proposal and if the Council accepts the counter proposal and Sensus agrees, then it does not have to come back.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to authorize the Single Sign-on Solution for the Utility Billing online payment site with the modification of a one-year term with options to renew and tiered user pricing. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Final Development Plan – Mullinax Ford.

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

David Moon, Planning Manager, said at this time Mullinax Ford desires to modernize and upgrade its site for customer service efficiency. He said the applicant approached the Development Review Committee (DRC) some months ago to amend their PUD Master Plan as an insubstantial amendment. He advised the Land Development Code grants this authority to the DRC. In the revisions they made some changes that reduced impact to parking adjacent to the residential areas and moved it further to the south. Those changes were approved by staff and incorporated in the plans. Mullinax will provide a new quick lane lube facility, stating this is not a change in services, but one that provides better efficiency. They are improving their service and designated employee parking areas. He advised the DRC has found the proposed Final Development Plan consistent with the Land Development Code and recommends approval.

Commissioner Bankson expressed a concern regarding stormwater in a heavy downpour and asked if the water would be moved up to the expanded pond, or would it spill over.

John Abion, Florida Engineering Group, advised there is an outfall system that discharges into SR 436 and it was not landlocked.

Jerry Mullinax, applicant, thanked staff for their professionalism and helping them navigate through this process. He said he was available for any questions.

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

MOTION by Commissioner Dean, and seconded by Commissioner Bankson, to approve the Final Development Plan for Mullinax Ford as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS (Action Item)

- 1. Ordinance No. 2551 – Second Reading – Large Scale – Future Land Use Amendment.**
The City Clerk read the title as follows:

ORDINANCE NO. 2551

AN ORDINANCE OF THE CITY OF APOKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM OFFICE (MAX 0.3 FAR) AND RESIDENTIAL LOW (0-5 DU/AC) TO MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF OCOEE APOPKA ROAD AND NORTH OF KEENE ROAD, COMPRISING 22.4 ACRES, MORE OR LESS AND OWNED BY JOSEPH AND SWANA GATES & OAK ROYAL PROPERTIES, 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 Bankson, and seconded by Commissioner Dean to adopt Ordinance No. 2551. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.

- 2. Ordinance No. 2560 – Second Reading – Large Scale – Future Land Use Amendment.**
The City Clerk read the title as follows:

ORDINANCE NO. 2560

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 RURAL SETTLEMENT (0-1 DU/5 AC) TO RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR

CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF PONKAN ROAD AND EAST OF GOLDEN GEM ROAD, COMPRISING 23.43 ACRES, MORE OR LESS AND OWNED BY PROJECT ORLANDO, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting to a public hearing.

Daniel Hindon said he was a representative for Project Orlando, LLC, stating Jeff Welch, primary representative, is out of town and could not attend. He stated Mr. Welch has been working with staff on this and agrees with their assessment.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to adopt Ordinance No. 2560. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.

- 3. Ordinance No. 2565 – Second Reading – Large Scale – Future Land Use Amendment**
The City Clerk read the title as follows:

ORDINANCE NO. 2565

AN ORDINANCE OF THE CITY OF APOKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM MIXED USE TO AGRICULTURE (0-1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD AND NORTH OF PONKAN ROAD, COMPRISING 32.33 ACRES, MORE OR LESS AND OWNED BY AMERIGO FARMS, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Kilsheimer advised the City received a request by the applicant to continue this to a date certain of September 20, 2017.

Mayor Kilsheimer opened the meeting to a public hearing.

Josh Elkes said he was before Council with the understanding the applicant has requested a continuance in a belief that bifurcating the testimony probably will not be as effective for the residents who are being affected by this application as being here at the meeting on September 20, 2017. He stated they were fine with collaborating with the applicant and their attorney, but they do ask if there is a further continuance that Council support the residents in getting collaboration with the applicant so that a mutually acceptable date can be achieved rather than bounce people back and forth to various hearings. They requested Council's support on that and stated they were prepared to have conversation with the applicant to hopefully iron out any differences.

Mayor Kilsheimer said it was his understanding one of the reasons for the request for continuance was so the applicant could have conversations with nearby residents.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean to continue Ordinance No. 2565 to September 20, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.

4. Ordinance No. 2582 – First Reading – Banning medical marijuana dispensing facilities.

The City Clerk read the title as follows:

ORDINANCE NO. 2582

AN ORDINANCE ESTABLISHING A PROHIBITION OF MEDICAL MARIJUAN TREATMENT CENTER DISPENSING FACILITIES WITHIN THE BOUNDARIES OF THE CITY AS AUTHORIZED BY SECTION 381.986, FLORIDA STATUTES; PROVIDING LEGISLATIONVE FINDINGS; PROVIDING FOR CONDIFICATION; MORATORIUM CONTINGENCY; SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Commissioner Becker said when they discussed this at the last meeting there was the idea of treating these as special exceptions and inquired if there had been any attempt to get some language together.

Mr. Moon advised staff clearly recognized the direction received from City Council and research will be conducted on how a special exception may be applied to medical marijuana dispensaries and pharmacies, but it will take several months to complete the research.

Commissioner Becker said at the last meeting it was agreed that this was more of a zoning issue versus a criminal issue, yet the ordinance is written in a manner that quotes a report from 2009 talking about the implementation of medical marijuana in California in 1996. He said there was a lot in terms of economic impact the City can benefit from by the implementation of this within the City of Apopka.

Mayor Kilsheimer said he spoke with a licensee in Central Florida who said the best locations have already been picked and the dispensaries close to cancer treatment centers are expecting a high volume of traffic. The owners of these locations are investing heavily in processes, procedures, and security for operations and other locations will not invest the same in security as a high profile location will. Mayor Kilsheimer said the City of Apopka has wide open commercial zoning that brings this to a zoning issue and a character and quality of life issue. He said if the legislature comes back and provides cities with a way to tailor these zoning solutions to meet location conditions, they will address this immediately.

Mayor Kilsheimer opened the meeting to a public hearing.

David Leavitt said he was from Longwood and stated this ban ordinance was much ado about nothing. He said the State Constitution strictly forbids any sanctions against medical marijuana treatment centers. He stated the Senate did an injustice to all municipalities by passing SB 8A. He said the citizens of the State of Florida spoke and by banning you are going against their will. He stated if they did nothing they may get one or two dispensaries in the City. He said one must have a card to be able to enter a dispensary. He stated if they ban dispensaries it could adversely affect the City.

Derek Ryan reviewed regions dictated by the State and said the Central Florida region consists of fifteen counties, stating the population determines how many dispensaries can be in a particular region. He said there could only be a maximum of forty-eight dispensaries across the fifteen counties in Central Florida and many of those are already allocated. He stated this ban seems to be fear based and asked Council to backup and recognize there was also some legal liability they were exposing themselves to. He said the right thing was not to ban dispensaries.

Ray Shackelford said he voted for Amendment 2 and was glad to see this on the ballot. He stated he had pre-existing conditions, however, he supports the ban until there is better language from the Florida Legislature and information is obtained on special exceptions. He said he loved job creation and public health, stating he was very sensitive to the health needs of people. He said this was about what was best for the City of Apopka with respect to zoning and he supported the ban until additional information is available.

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

Mayor Kilsheimer said the licensee he spoke to makes home deliveries and there is no charge for the delivery. He advised there were home deliveries of medical marijuana taking place in Apopka now, stating people who have a need are not being denied.

Commissioner Becker said Knox Nursery advertises a fee for home delivery and said there were risks placed on home delivery versus going to a secure location. He stated he did not support taking this forward.

MOTION by Commissioner Dean, and seconded by Commissioner Bankson, to adopt Ordinance No. 2582. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye, and Commissioner Becker voting nay.

5. **Ordinance No. 2583 – First Reading – Large Scale – Future Land Use Amendment**
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.

David Moon, Planning Manager, said this was an application for a large scale, future land-use amendment, requesting transmittal to the state agencies for review. He advised the Planning Commission has reviewed the application and recommends approval

Jamie Boerger, Orange County Public Schools, said they reviewed the staff report and agree with the conditions. She stated she would be glad to answer any questions. She said this was for a proposed elementary school site in the year of 2021.

Commissioner Velazquez said she has heard concerns regarding traffic and the impact this will have on Jason Dwelley. She stated this will all be addressed as it gets closer to becoming a reality.

Ms. Boerger said they did have a community meeting on July 31, 2017 and they met with the Rock Springs Ridge HOA Board on August 9, 2107 providing them with information. She affirmed they do have a traffic consultant hired that has provided the City with a preliminary traffic study. At this time they do not have a site plan or attendance zone. As they are further along in the process they will hold design meetings.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to approve Ordinance No. 2583 at First Reading and transmit to the Florida Department of Economic Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- 6. Ordinance No. 2584 – First Reading - Change of Zoning/PUD Master Plan - Oak Pointe South - 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 advised this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

Mr. Moon said this request was a Planned Unit Development rezoning application with a master plan that includes 118 single family homes and 106 townhomes. He reviewed the location of the site on a map and advised that the road through the property is an existing public right-of-way called Irmalee Lane. He stated for years it was believed that this roadway was within the City's jurisdiction, since the City annexed both sides of the road. He advised it has been discovered the road is still in unincorporated Orange County, thus the City has no jurisdiction over the use of Irmalee Lane. He said this PUD Master Plan relies heavily on the use of the road. The Planning Commission held a hearing and listened to evidence of testimony of staff, as well as that of the affected party. Based upon that evidence and testimony, as part of the motion, the Planning Commission asked staff to request the City Attorney's office to look into this right-of-way issue. At that point the City Attorney's office discovered that the City doesn't have control of the Irmalee Lane right-of-way. He affirmed the applicant, through a fence permit issued by the City, who at the time believed it to be a City right-of-way, authorized a gate at this location as a public gated roadway. He stated this issue was also reviewed by the City Attorney's office and based upon their review, staff recommendation is to continue this item to a date certain to allow the City to proceed with the annexation of Irmalee Lane, incorporating the road into the project. He stated it will likely have to return to another Planning Commission hearing and back to City Council. Staff recommendation is to reschedule the public hearings to November 1, 2017 at 1:30 p.m. and November 15, 2017 at 7:00 p.m. to allow time for the annexation of the Irmalee Lane right-of-way.

Adam Diouna, Urban Land Resources, said they have been working with staff for the last 18 months in an extreme diligent effort to come up with the plan before Council. He said all they are asking today is to have this matter extended to November 1, 2017, so they can evaluate the legal opinion and continue to work with the effective property owner to resolve any outstanding issues. He declared they feel this can be resolved within the next few weeks.

Mayor Kilsheimer opened the meeting to a public hearing.

Rick Geller, Esquire, Fishback Dominick, represents Jason Revelle, an affected landowner. He pointed out on the map where Jason lives stating he is surrounded by this subdivision. Mr. Geller said they agree with the request for postponement of this hearing to November 1, 2017. In the meantime, he asked Council to please direct the owner and the applicant to remove the gate. He affirmed there is a gate blocking the public right-of-way, Irmalee Lane, which is illegal. He reviewed F.S. 316.2045 where it states it is unlawful to obstruct a free, convenient, and normal use of any public street. He advised this was interpreted by the Attorney General some years ago that said a security gate cannot be installed on a public road, which limits the free, convenient, and normal use of the public road. He reiterated they agree with the postponement of November 1, 2017, and ask that the gate be removed forthwith.

Gene Cowarg, Clermont, said he was Jason's uncle and was asked to briefly speak on Jason's behalf to provide some background. He advised Jason purchased approximately 1 acre, zoned R-1 on a public road several years ago. He was well aware a developer was going to develop the property and has no issue with the development of the property. They do have some issues with the way in which the property is being developed, in particular, as far as buffering and some delineation between single family residences, A-1 and the multi-family dwelling. He declared that the overall plan does not address the issues as set forth in Apopka's planning ordinance with regards to giving him use of his property the way this is currently setup. He said there were other

issues in the ordinance that talk about having a wall and buffering. He spoke of trees around the property being removed, stating they do have some issues to talk about at a later date. He reiterated they do not oppose the development of the property, but ask it be developed in a way that is fair to all parties.

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

Mayor Kilsheimer said everyone is in agreement this should be continued to November 1, 2017. He asked the City Attorney how to proceed regarding the issue with the fence.

Cliff Shepard, City Attorney, said apparently the City permitted this, and advised there should not be a gate there, but by permitting it, it does not mean this is the City's gate to remove. He stated it was brought to his attention that cattle is on this property so they may solve one problem and create another if removing the gate. He declared he would like to hope the parties will find a way to work this out. Attorney Shepard advised the City issued a permit, and said there is an AG opinion to support the idea. He stated he did not agree with the opinion as there were a lot of facts left out that should have been provided to the Attorney General prior to the opinion being rendered. He said there was not much they could do to physically take the gate down.

Attorney Geller advised the cows have been removed from the property. He reviewed impacts on Mr. Revelle stating he cannot have his mail delivered to his house. His mailbox has to be out on McCormick Road and he was very concerned about the security of his private information having had both outgoing and incoming mail stolen. He cannot have packages delivered to his house and must go to facilities to pick them up. He stated that although Mr. Revelle pays fees for garbage service that he does not have, as he has to haul away his own garbage.

In response to Commissioner Becker regarding how Mr. Revelle gets to his home, Mr. Revelle said the gate was coded and there was a remote when it was working.

City Attorney Shepard said the City could revoke the permit and start Code Enforcement, but they would never get this finished before November 1, 2017.

Attorney Geller said their position is that the permit is void for illegality. He stated the gate is clearly attached to fencing that is outside of the County right-of-way. Also, under the interlocal agreement the City has maintenance and operational responsibility for this right-of-way, even though it is under the jurisdiction of the County. He declared the City could make a decision that they could proceed with the PUD zoning request if this gate is removed.

In response to Mayor Kilsheimer inquiring what the problem was with taking down the fence, Mr. Diouna said the cows have been rotated within the last five years from the south portion of the property to the mid village that surrounds Mr. Revelle's property. He said there were still cows on the property, but they were being rotated out in anticipation of the upcoming construction. He stated if there were no cows, they would not have any issues in removing the fence and do what they needed in order to make Mr. Revelle's situation a lot easier. He said it also should be noted that in 2010 and 2012 that property was severely vandalized and dumped on necessitating the fence to privatize the property. He said they were looking to work with Mr. Revelle to make the situation better. Again, he pleaded to grant the extension to November 1, 2017, to provide additional time to resolve this issue.

City Attorney Shepard inquired if the cows were not there, could they leave the gate open.

Mr. Diouna said he thought that was a workable solution, stating the main reason why the fence is there is to keep the cows in and not to inconvenience Mr. Revelle.

Mr. Cowarg said this road never had to be closed, stating they could fence on either side of this road. He said this was not just a fence, they dug up a public road and placed a cattle gap. They are asking the City to help them get this move.

Mayor Kilsheimer said what they heard during this testimony was that the gate is going to be opened to temporary resolve the first issue, and the parties can negotiate between themselves between now and November 1, 2017, to rectify this situation.

City Attorney Shepard pointed out that November 1, 2017, if the annexation goes through, the gate and cattle gap will have to go as long as this is a public road.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez to postpone Ordinance No. 2584 to November 1, 2017 and ask the parties to open the gate and negotiate in good faith to resolve the situation. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

7. **Ordinance No. 2585 – First Reading - 2017-2 Administrative. Rezoning – Case No. 2017-2-3**
The City Clerk read the title as follows:

ORDINANCE NO. 2585

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" R-1AAA (RESIDENTIAL) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 5.1 ACRES, MORE OR LESS, AND OWNED BY RICHARD CHANDLER; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

David Moon, Planning Manager, provided one presentation to cover the Administrative Zoning Ordinances 2585 through 2589, stating at the time of annexation, the property owners did not submit an application to assign City zoning to the properties. At this time staff has recommended a zoning category that is similar and compatible with that which was assigned by the County at the time it was annexed.

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 approve Ordinance No. 2585 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and

Bankson voting aye.

- 8. Ordinance No. 2586 – First Reading – 2017-2 Administrative. Rezoning – Case No. 2017-2-2**
The City Clerk read the title as follows:

ORDINANCE NO. 2586

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" R-1AAA (RESIDENTIAL) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 2.5 ACRES, MORE OR LESS, AND OWNED BY BOBBY AND JESSICA SANDERS: 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 approve Ordinance No. 2586 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- 9. Ordinance No. 2587 – First Reading – 2017-2 Administrative. Rezoning – Case No. 2017-2-3**
The City Clerk read the title as follows:

ORDINANCE NO. 2587

AN ORDINANCE OF THE CITY. OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 6.86 ACRES, MORE OR LESS, AND OWNED BY JOLLY PRODUCTS AND SERVICES; 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 Dean, and seconded by Commissioner Becker, to approve Ordinance No. 2587 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- 10. Ordinance No. 2588 – First Reading – 2017-2 Administrative. Rezoning – Case No. 2017-2-4**
The City Clerk read the title as follows:

ORDINANCE NO. 2588

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-2 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 4.95 ACRES, MORE OR LESS, AND OWNED BY EDGEL 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 Bankson, and seconded by Commissioner Velazquez, to approve Ordinance No. 2588 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- 11. Ordinance No. 2589 – First Reading – 2017-2 Administrative. Rezoning – Case No. 2017-2-5**
The City Clerk read the title as follows:

ORDINANCE NO. 2589

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" RESIDENTIAL COUNTY ESTATES-1 (RCE-1) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 0.91 ACRES, MORE OR LESS, AND OWNED BY DEBORAH HALM; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Becker, and seconded by Commissioner Dean, to approve Ordinance No. 2589 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- 12. Ordinance No. 2592 – First Reading – Change of Zoning – Gates/Oak Royal Properties**
The City Clerk read the title as follows:

ORDINANCE NO. 2592

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PROFESSIONAL OFFICE/INSTITUTIONAL (PO/I) AND FROM AGRICULTURE (AG) TO MIXED-EC (MIXED-

EMPLOYMENT CENTER) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF OCOEE APOPKA ROAD AND NORTH OF KEENE ROAD, COMPRISING 22.4 ACRES, MORE OR LESS, AND OWNED BY JOSEPH AND SWANA GATES & OAK ROYAL PROPERTIES, 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 Bankson, and seconded by Commissioner Dean, to approve Ordinance No. 2592 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- 13. Ordinance No. 2593 – First Reading – Annexation – 423, 425 & 431 Station St.**
The City Clerk read the title as follows:

ORDINANCE NO. 2593

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 LOOMIS FUNERAL HOME, INC., LOCATED AT 424 & 431 STATION STREET; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve Ordinance No. 2593 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- 14. Ordinance No. 2594 – First Reading – Annexation – 251 W Lester Road –**
The City Clerk read the title as follows:

ORDINANCE NO. 2594

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 CURTIS AND KAREN PUMPHREY, LOCATED AT 251 WEST LESTER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to approve Ordinance No. 2594 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- 15. Ordinance No. 2595 – First Reading – Annexation – 213 W. Lester Road & 2122 Rock Springs Road – The City Clerk read the title as follows:**

ORDINANCE NO. 2595

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 A.D. RAULERSON AND A.D. RAULERSON, JR., LOCATED AT 213 WEST LESTER ROAD AND 2122 ROCK SPRINGS ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Dean, and seconded by Commissioner Velazquez, to approve Ordinance No. 2595 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- 16. Ordinance No. 2596 – First Reading – Annexation – 3001 W. Kelly Park Road**
The City Clerk read the title as follows:

ORDINANCE NO. 2596

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 MICHAEL TYSZKO, LOCATED AT 3001 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve Ordinance No. 25896 at First Reading and carry it over for a Second Reading. Motion

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

- 17. Ordinance No. 2597 – First Reading – Annexation – 3013 W. Kelly Park Road**
The City Clerk read the title as follows:

ORDINANCE NO. 2597

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 MICHAEL AND CAROL ANN MCKERNAN, LOCATED AT 3013 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Dean, to approve Ordinance No. 2597 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

- 18. Ordinance No. 2598 – First Reading – Annexation – 5012 Plymouth Sorrento Road**
The City Clerk read the title as follows:

ORDINANCE NO. 2598

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 GRACIE J. GILLIS, GLENDA M. GRIFFIN, TRUDY R. MAERZ, RODNEY N. GILLIS, LOCATED AT 5012 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve Ordinance No. 2598 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS – There were no reports.

MAYOR'S REPORT

Mayor Kilsheimer said the City has been looking for a new Recreation Director for some time. He reviewed the process stating they had received more than 30 applications from highly qualified candidates. Ten candidates were chosen for interviews, all having strong qualities and backgrounds that would allow them to serve capably as the Recreation Director. He stressed the importance of the Recreation Department and facilities to the citizens of Apopka. He announced the appointment of Mariah McCullough and reviewed her qualifications, asking Council to confirm Mariah's appointment.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to confirm the appointment of Mariah McCullough as the Recreation Director. Motion carried unanimously with mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

ADJOURNMENT – There being no further business the meeting adjourned at 9:24 p.m.

ATTEST;

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk