

CITY OF APOPKA

Minutes of the regular City Council meeting held on July 20, 2016, at 7:00 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: John Peery - The Apopka Chief
Bethany Rodgers, Orlando Sentinel
Dale Fenwick, The Apopka Voice

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

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on July 20, 1969, the lunar module of Apollo 11 touched down on the Moon's surface, carrying Neil Armstrong, Michael Collins, and Buzz Aldrin. The entire nation watched in awe as Neil Armstrong stepped out of the lunar module to become the first human to walk on the moon and he spoke those famous words, "That's one small step for man, one giant leap for mankind." The Apollo 11 mission fulfilled President John F. Kennedy's 1961 call to the nation to land a man on the moon and bring him back safely to the earth before the end of the decade. He asked everyone to remember the sacrifices and bravery of the men and women of our space program as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council meeting July 6, 2016.

MOTION by Commissioner Velazquez and seconded by Commissioner Becker, to approve the July 6, 2016, City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Mayor Kilsheimer explained the Council changed the policy on public comments and tonight the new policy begins. He asked everyone to turn off or silence their cell phones. He advised if anyone wishes to address the City Council, they should fill out an intent to speak form and present it to the City Clerk. Comments are to be addressed to the City Council.

Neil Lauritsen said he was denied the opportunity of being a coach for his daughter's softball team. He and his wife became foster parents and adopted three children. He inquired how to proceed to have this changed. Mayor Kilsheimer referred Mr. Lauritsen to Chief McKinley.

Gene Knight expressed concern regarding recycling and the truck he followed taking the recycling to the dump. Mayor Kilsheimer affirmed the City needs to redouble efforts in educating the public and referred Mr. Knight to Jay Davoll, Public Services Director.

Linda Laurendeau called attention to a scrivener's error on Consent Agenda Item No. 5, pointing out the body of the memorandum has the address as 208 McGee rather than 508.

Susie O'Keefe spoke regarding the summer camp program run this summer by the Fire and Police Departments for youth and said this was a wonderful program. She stated she has had a child in every camp and they were having a great time. She said the Fire Department has an awesome Explorers program and suggested the Police Department have a similar program.

Richard Kluesener spoke regarding the parking ordinance and stated having three sons of driving age, his family has five vehicles. Two vehicles are parked in the garage, one in the driveway and two are parked on the street. He received notice from his HOA informing them Apopka was going to start enforcing no parking on the street. His son received a \$40 dollar ticket for parking on the street in front of their house. He requested the parking ordinance be amended for parking on one side of the street.

Mayor Kilsheimer advised the Police Chief has convened a Parking Committee of citizens concerned about the parking ordinance. Their next meeting will be on August 1, 2016, at 6:00 p.m. in the Council Chambers.

Ray Shackelford said he was referencing Item No. 4 on the Consent Agenda, stating he was opposed to special treatment of one organization over others. He stated if having policies, they need to be fair to all organizations and all people.

CONSENT (Action Item)

1. Approve the Disbursement Report for the month of June, 2016.
2. Approval for the sale of alcohol for the Fall Festival.
3. Approval for the sale of alcohol for the Apopka Fair.
4. Approval of a Facility Use Agreement with the AHA Players.
5. Authorization to demolish property at 508 S. McGee Ave.
6. Authorize the purchase of a service vehicle for the Fire Department.
7. Award a contract for a security fence and gate at the Apopka Communication Tower.
8. Award a contract for Asphalt Street Resurfacing and a reallocation of funds.
9. Award a contract for roadway improvements at Yothers Road.
10. Authorize the contract renewal for the leasing of Lift Station Vapor Phase Odor Control Systems.

In response to Commissioner Bankson regarding Item No. 4 and finding equity for all groups, Mr. Irby advised two things are done with regards to the facilities. The city will negotiate a contract, such as what was done with the AHA Players for a percentage of their ticket fee. If there is a single event, there is a fee schedule for non-profits and for-profit events. He affirmed this fee was set to cover the actual cost.

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

CITY COUNCIL RECESSED AT 7:29 P.M. TO CONVENE THE COMMUNITY REDEVELOPMENT AGENCY (CRA) MEETING *See minutes for the CRA meeting.*

CITY COUNCIL RECONVENED AT 8:47 P.M.

BUSINESS

1. City Center Development Agreement

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve the City Center Development Agreement with Taurus. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Preliminary Development Plan – Binion Reserve Subdivision

MOTION by Commissioner Bankson, and seconded by Commissioner Dean to postpone the Preliminary Development Plan for Binion Reserve Subdivision to the August 3, 2016 City Council meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Council – No business.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2491 – Second Reading – Large Scale Future Land Use Amendment. The City Clerk read the title as follows:

ORDINANCE NO. 2491

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 MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL (MAX. 0.25 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 AND

EAST OF MARDEN ROAD, COMPRISING 51.88 ACRES, MORE OR LESS AND OWNED BY EMERSON POINT PHASE II, LLC; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Michael Wright, Developer, said they read the report and support staff's recommendation. He stated this is reaching the end of a very long process that embodies the vision as contemplated in the small area study for this area.

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. 2491. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

2. Ordinance No. 2507 – First Reading – Change of Zoning. The City Clerk read the title as follows:

ORDINANCE NO. 2507

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (RESIDENTIAL) TO C-1 (RETAIL COMMERCIAL (0.25 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF MARDEN ROAD, NORTH OF STATE ROAD 414, COMPRISING 51.88 ACRES MORE OR LESS, AND OWNED BY EMERSON POINT PHASE II, 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.

David Moon, Planning Manager, gave a brief lead-in stating that through Ordinance 2491, just adopted by City Council, a future land use designation was assigned of commercial to the same property for which this ordinance requests C-1 Commercial. He pointed out in the presentation material that this is the same property and the compatibility information provided with the future land use designation applies with the zoning. Planning Commission recommends approval of the C-1 zoning to this property.

Michael Wright reiterated this is in the small area study area and he supports staff's recommendation.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to adopt Ordinance No. 2507 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

3. Ordinance No. 2500 – Second Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

ORDINANCE NO. 2500

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” COMMERCIAL (MAX. 3.0 FAR) TO “CITY” COMMERCIAL (MAX 0.25), FOR CERTAIN REAL PROPERTY LOCATED AT 312 OLD DIXIE HIGHWAY, COMPRISING 0.26 ACRES MORE OR LESS, AND OWNED BY SBKP LLC; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION by Commissioner Dean, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2500. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

4. Ordinance No. 2501 – Second Reading – Change of Zoning. The City Clerk read the title as follows:

ORDINANCE NO. 2501

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-1 (ZIP) TO “CITY” C-1 (RETAIL COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 312 OLD DIXIE HIGHWAY, COMPRISING 0.26 ACRES MORE OR LESS, AND OWNED BY SBKP LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR,, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2501. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

5. Ordinance No. 2502 – Second Reading – Land Development Code – Development Design Guidelines. The City Clerk read the title as follows:

ORDINANCE 2502

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE VI – “DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS” TO CREATE A NEW SECTION 6.09.00 ENTITLED “DEVELOPMENT DESIGN GUIDELINES;” 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 Dean, to adopt Ordinance No. 2502. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

6. Ordinance No. 2505 – Second Reading – Vacate – Utility Easement. The City Clerk read the title as follows:

ORDINANCE NO. 2505

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 815 EAST SEMORAN BOULEVARD; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to adopt Ordinance No. 2505. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

7. Ordinance No. 2506 – Second Reading – Change of Zoning. The City Clerk read the title as follows:

ORDINANCE NO. 2506

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE SANDPIPER ROAD PLANNED UNIT DEVELOPMENT ZONING AND MASTER PLAN FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, EAST OF USTLER ROAD, COMPRISING 58.23 ACRES, MORE OR LESS AND OWNED BY FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Commissioner Becker said there was a slight change from the last meeting, stating there was indication there would be a west bound turn lane into the subdivision.

Alan Goldberg, Trustee for Florida Land Trust #111, apologized and said there was an error made from their team with a comment made about a left turn lane going into the subdivision. He advised this was not required by the traffic study.

Commissioner Becker said when there was such high traffic on two lane roadways, it was a smart design option to create turn lanes into our neighborhoods to prevent accidents and better flow of traffic.

In response to Commissioner Velazquez, Mr. Davoll affirmed this was a county road.

Mayor Kilsheimer opened the meeting to a public hearing.

Mary Smothers spoke against the project expressing her concerns regarding the lot size, stating 37 lots out of the 49 lots are under one half acre.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Dean, to adopt Ordinance No. 2506. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

8. Ordinance No. 2508 – First Reading – Change of Zoning. The City Clerk read the title as follows:

ORDINANCE NO. 2508

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM MIXED-CC AND R-1A TO PLANNED UNIT DEVELOPMENT (PUD\MIXED-CC\RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF ORANGE BLOSSOM TRAIL AND SOUTH OF CHANDLER ESTATES DRIVE, COMPRISING 67.73 ACRES, MORE OR LESS AND OWNED BY CARTER-ORANGE 67 HWY 441 LAND TRUST (APOPKA FARMS); PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

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

David Moon, Planning Manager, gave a brief lead-in stating the request is to rezone a property from Mixed-CC and R-1A to Planned Unit Development (PUD) to provide a mixed use community of residential development of 101 single family lots and approximately 10-acres of neighborhood commercial. He pointed out the location on the map stating it is on the east side of SR 441 across from the Orlando Apopka Airport, and south and east of Chandler Estates. The request is compatible and consistent with character of the surrounding area. He pointed out a roadway cut from Chandler Estates that is already in place and approved with Chandler Estates. He advised for a community of this size, our code promotes two access points for emergency response in case one entrance-way is blocked. It also allows for traffic to be dispersed within that development to different roadways. DRC and Planning Commission recommend approval. A copy of the staff report is on file in the Clerk's office.

Commissioner Velazquez expressed concern regarding two access roads and the ability of being able to drive through Chandler Estates and this community.

Javier Omana, Applicant, thanked staff for helping them through this process. He pointed out that this property was approved approximately ten years ago as a subdivision and the property went back to the bank at that time. He stated they concur with staff's recommendation of approval and welcomed the Planning Commission's decision on the project. He stated with regards to the access road, they are required to have two access points due to the size of the project. There is access from SR 441 and there is a connection to the public right of way to the north.

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. 2508 at First Reading and carry it over for a Second Reading. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Dean, Bankson and Becker voting aye, and Commissioner Velazquez voting nay.

MAYOR'S REPORT – No report

NOT REQUIRING ACTION

1. Thank you letter to Mayor Kilsheimer from Orange County Mayor Jacobs.

ADJOURNMENT – There being no further business the meeting adjourned at 9:20 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk