

## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on February 4, 2015, at 1:30 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Bill Arrowsmith  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Sam Ruth  
City Attorney Clifford B. Shepard  
City Administrator Glenn Irby

**PRESS PRESENT:** Roger Ballas - The Apopka Chief

**INVOCATION** – Commissioner Velazquez introduced Chaplain Edwin Alicea, Florida Hospital, who gave the Invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said on February 10, 1964, after ten days of debate and voting on 125 amendments, the U.S. House of Representatives passed the Civil Acts Right of 1964 by a vote of 290 to 130. The Bill prohibited racial and ethnic discrimination by any local or state government, or public facility, and also allowed the U.S. Attorney General to bring school desegregation law suits. The Civil Rights Act of 1964 was later passed in the Senate in June 1964, and signed into law on July 2, 1964. He asked everyone to reflect on the brave actions and eloquent words of social activists and political leaders who fought for racial equality as he led in the Pledge of Allegiance.

### **EMPLOYEE RECOGNITION**

1. **Vance J. “Jim” Maloney – Police/Field Services – Five Year Service Award** - Jim began working for the City on January 25, 2010, as a Police Officer, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Jim on his years of service to the City.
2. **Alison D. Fahning – Police/Communications – Five Year Service Award** - Alison started working for the City on January 31, 2010, as a Communication Technician, which is her current position. Allison was not present and will be presented her award at another time.
3. **Jose D. Rodriguez – Police/Support Services – Ten Year Service Award** - Jose began working for the City on January 10, 2005, as a Police Officer, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Jose on his years of service to the City.
4. **Olivia J. Ferguson – Administration/Public Services – Twenty-Five Year Service Award** - Olivia started working for the City on January 4, 1990, as a Public Service Officer for the Police Department. On December 12, 1990, Olivia was promoted to Computer Operator/Records Clerk. On February 2, 1994, Olivia was transferred from the Police Department to Finance and her title changed to Inventory/Purchasing Clerk. On December 10, 1999, Olivia had a title change to Purchasing & Supply Specialist. Olivia was reclassified on October 6, 2002, to Purchasing Coordinator, and on November 1, 2004, her

title changed to Purchasing Supervisor, which is her current position. The City Council joined Mayor Kilsheimer in congratulating Olivia on her years of service to the City.

## PRESENTATIONS

1. African American History Month Proclamation – Mayor Kilsheimer read the Proclamation and presented it to Commissioner Billie L. Dean
2. Presentation of possible zoning categories for Florida Land Trust #111 – ZDA at Sandpiper LLC, summarizing and comparing Residential Single Family District (R-1AAA), Residential Country Estate 1 (RCE-1), and Planned Unit Development (PUD/R-1AA)- Presented by David Moon, AICP, Planning Manager.

David Moon, Planning Manager, gave a presentation on zoning district comparisons for RCE-1, R-1AAA, and PUD-R zoning classifications. He stated there were other guiding policy and planning considerations that had to be taken into consideration such as not only what is occurring on adjacent properties, but existing policies and priorities of the City, established documents such as the comprehensive plan, land development code, and state documents, such as the Wekiva Protection Act. They have to look at general policies, like the Wekiva Study Area, in a project such as the Sandpiper project, which has certain design standards that have to be met that promotes the clustering of units away from environmentally sensitive land such as wetlands, it discourages the use of septic tanks and encourages the use of central waste water systems. He stated the wetland system that is connected to the Wekiva River has to be taken into consideration in terms of buffers and protection. He reviewed Future Land Use Map permissibility and compatibility, dimensional standards, house size and architectural design standards, park land requirements, infrastructure and design, pros and cons, and landscape buffers for the three zoning classifications. The presentation is on file with the minutes in the clerk's office.

In response to Commissioner Dean stating he had studied the outlay of the project and making some recommended changes, Mayor Kilsheimer advised it was his understanding this discussion was for the purpose of comparison of the three zoning categories and the site plan and development will be discussed at the public hearing.

Commissioner Ruth said the one thing unique to both Rock Springs Ridge and Errol Estates is their connection to a golf course. He declared this development is unique in that it has connectivity to nature.

Mayor Kilsheimer reiterated they were down to the three options for this land, RCE-1, R-1AAA, and PUD. He stated this land has no zoning category and the City Attorney has advised him they are entitled to a zoning classification. The applicant has stated they are not interested in RCE-1, largely because of the requirement of connecting to the wastewater system. He said the two zoning categories they are willing to consider in their application are R-1AAA and PUD. The question before the Council is whether they are going to reconsider the denial of the PUD zoning application, or move in a different fashion.

City Attorney Shepard said the applicant has agreed the R-1AAA hearing will go forward on February 18, 2015. Before the Council at this time is the issue of whether at that time the desire to reconsider the PUD. He suggested if they choose to reconsider, they would want to schedule the PUD ahead of the R-1AAA and if the PUD goes through, it would negate the R-1AAA. He reiterated the applicant has made it clear, if they are not going to get PUD, they want to move forward on the R-1AAA.

Mayor Kilsheimer opened the meeting to public input.

Lou Haubner provided handouts to the Council, and inquired if it was legal to have two zoning applications going at the same time.

City Attorney Shepard advised they do not have two applications, as the PUD was denied. The applicant has said if the Council wishes to reconsider the PUD, they will accept that opportunity with the agreement previously negotiated. He affirmed at this time there is only one application, the R-1AAA. He advised taking place at this time is discussion only on the presentation.

Mr. Haubner discussed an issue wherein he had previously applied for C-1 and was given CN instead and felt the Council has the right to give the developer the RCE-1. He reviewed the handout that covered acreage for each lot in the area declaring the average lot was 1.47 acres and average house size was 2466 square feet of living area. He briefly went over the additional sheets he handed out. He discussed the house sizes in the area and said he did not feel the PUD could be reconsidered until some of the lot sizes are changed. He provided another handout of the development and reviewed some suggested changes he proposed that would make most lots half acre lots wherein they would lose five lots. He declared there was no possible way Council could vote to zone this property to R-1AAA due to the fact it would go to 60-70 houses on that property rather than 49 and stated they were willing to work with the developer.

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

City Attorney Shepard stated Council has already turned down the PUD. The applicant has stated they would be willing to go with the PUD if Council is will reconsider it. In order for it to be on the agenda for February 18, 2015, Council needs to make a motion to reconsider the PUD at this time. He suggested if they decide to reconsider, it should precede the R-1AAA application, which is already in the system and will come forth on that date, no matter what Council does today. If the PUD fails at that time, then the R-1AAA would be the next item to consider and at that point Council can ask a lot of questions during the hearing they have asked today.

**MOTION was made by Commissioner Arrowsmith, seconded by Commissioner Ruth, to agenda reconsideration of the Sandpiper PUD on the next Council meeting date that is most practical to comply with advertising requirements. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

3. Presentation of Certificate for Advanced Institute for Elected Municipal Officials to Commissioner Diane Velazquez and Commissioner Ruth by Kathy Till, Florida League of Cities

### **CONSENT AGENDA**

1. Approve the minutes of the regular City Council Meeting held on January 7, 2015 at 1:30 p.m.
2. Approve the minutes of the regular City Council Meeting held on January 21, 2015 at 7:00 p.m.
3. Approve the renewal, for an additional one year, of the lease agreement for office space at 405 South Park Avenue, with Dr. Charles Dorfman.
4. Authorize a \$500.00 donation, from the Law Enforcement Trust Fund, to Kid's House Children's Advocacy Center.
5. Authorize the Mayor to execute Inmate Work Squad Contract IV, in the amount of \$57,497.00.
6. Authorize the Mayor to execute Inmate Work Squad Contract I, in the amount of \$57,497.00.
7. Approval of the sale of alcohol at the Food Truck Round Up through December, 2015.
8. Approval of the sale of alcohol at the Old Florida Outdoor Festival to be held on February 14 & 15, 2015.
9. Approve the Disbursement Report for the month of January, 2015.

**MOTION was made by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to approve the nine items of the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**SPECIAL REPORTS AND PUBLIC HEARINGS** - There were no special reports or public hearings.

### **ORDINANCES AND RESOLUTIONS**

1. **ORDINANCE NO. 2404 – SECOND READING & ADOPTION – VACATE** – Letha Ellen Moore – Vacating a portion of a drainage and utility easement located at 2549 Woodside Ridge Drive. [Ordinance No. 2404 meets the requirements for adoption having been advertised in The Apopka Chief on January 23, 2015.] The City Clerk read the title as follows:

#### **ORDINANCE NO. 2404**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A DRAINAGE AND UTILITY EASEMENT LOCATED AT 2549 WOODSIDE RIDGE DRIVE, PROVIDING FOR DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY FOR CONFLICTS AND AN EFFECTIVE DATE.**

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

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to adopt Ordinance No. 2404. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Velazquez voting aye and Commissioner Ruth voting nay.**

- 2. ORDINANCE NO. 2388 – FIRST READING** - Amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.” The City Clerk read the title as follows:

### **ORDINANCE NO. 2388**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED “DESIGNATED GROW AREA OVERLAY DISTRICT”, PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A “DESIGNATED GROW AREA OVERLAY DISTRICT” AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICTS OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.**

Mayor Kilsheimer said this was brought before Council previously when the State was considering allowing the growth of medical marijuana and due to the court ruling on the State Department of Health set of rules, it was tabled.

David Moon advised the Council would have two options, continue the tabling of the ordinance for another 60 days, or reschedule and advertise the ordinance as soon as practical following the Florida Department of Health adoption of the Administrative Rules or the Florida Legislature promulgates the same.

**MOTION was made by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to reschedule and advertise Ordinance No. 2388 as soon as practical following the Florida Department of Health adoption of the Administrative Rules or the Florida Legislature promulgates the same. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 3. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC** – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #: 02-21-28-0000-00- 106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28- 0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [NOTE: Applicant has requested this item be continued until the February 18, 2015, City Council meeting.]

Mayor Kilsheimer announced the applicant has requested Ordinance No. 2405 be continued to the February 18, 2015 meeting.

- 4. ORDINANCE NO. 2406 – FIRST READING - 2015 ADMINISTRATIVE REZONING** - From “County” A-1 (Agriculture) to “City” AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 424.4 acres, more or less, and owned by Cantero Holdings LLC; Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching; Cristan Properties Inc.; Cayetano R & Cristeta M Cruzada; Terry Lyn Dale; Kent A & Anne M Greer; J And L Gardenias Inc.; Lee Kyun & Myung Lee; John & Joseph A Moore; Ronald & Lisa Raboud; SKH Group Inc.; Romeo & Herminia Flaquer; Nancy B Foster; R. A. & Nancy B Foster; Elvia Galvan & Alvaro Mazariegos; Barry Grimm; Scott & Nancy Hines; John Iafate; JJL Properties Inc.; Ricky Tilman & Karen Lynn Nelson; R. M. & Monica M Poorbaugh; Richard & Monica M Poorbaugh Tr; and Mary Emily Shannon. The City Clerk read the title as follows:

**ORDINANCE NO. 2406**

**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 424.4 ACRES, MORE OR LESS, AND OWNED BY CANTERO HOLDINGS LLC; HAL D. CORNELL, THOMPSON P SWARTZ, & JEROME L. HUTCHING; CRISTAN PROPERTIES INC.; CAYETANO R & CRISTETA M CRUZADA; TERRY LYN DALE; KENT A & ANNE M GREER; J AND L GARDENIAS INC.; LEE KYUN & MYUNG LEE; JOHN & JOSEPH A MOORE; RONALD & LISA RABOUD; SKH GROUP INC.; ROMEO & HERMINIA FLAQUER; NANCY B FOSTER; R. A. & NANCY B FOSTER; ELVIA GALVAN & ALVARO MAZARIEGOS; BARRY GRIMM; SCOTT & NANCY HINES; JOHN IAFRATE; JJL PROPERTIES INC.; RICKY TILMAN & KAREN LYNN NELSON; R. M. & MONICA M POORBAUGH; RICHARD & MONICA M POORBAUGH TR; AND MARY EMILY SHANNON; PROVIDING**

**FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

David Moon, Planning Manager, advised each of the noted affected property owners were sent a certified notice of the hearing, as required by State Statute.

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

**MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Ordinance No. 2406 at First Reading and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 5. ORDINANCE NO. 2407 – FIRST READING - 2015 ADMINISTRATIVE REZONING -** From “County” A-2 (Agriculture) to “City” AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 37.6 acres, more or less, and owned by Alfred & Rose Marie Kager Life Estate; Virginia H Mapel Life Estate; Virginia H Mapel & Donna M McCree; and Roy & Patricia A Valdez. The City Clerk read the title as follows:

**ORDINANCE NO. 2407**

**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 37.6 ACRES, MORE OR LESS, AND OWNED BY ALFRED & ROSE MARIE KAGER LIFE ESTATE; VIRGINIA H MAPEL LIFE ESTATE; VIRGINIA H MAPEL & DONNA M MCCREE; AND ROY & PATRICIA A VALDEZ; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

**MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve Ordinance No. 2407 at First Reading and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**DEPARTMENT REPORTS AND BIDS –** There were no reports.

**MAYOR'S REPORT**

1. Appointment to Fire Pension Board.

Mayor Kilsheimer advised of the need for a replacement of Mayor Land's position on the Fire Pension Board. He discussed this with Chair Fry of the Fire Pension Board, who suggested he serve the position for the unexpired term.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez to ratify the appointment of Mayor Kilsheimer to fill the vacant unexpired term on the Fire Pension Board. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**OLD BUSINESS**

**1. COUNCIL -**

Commissioner Dean stated he has been doing some research with regards to summer jobs for the youth of Apopka and suggested that 25 students from Apopka High School and 15 students from Wekiva High School be utilized for summer jobs.

Mayor Kilsheimer affirmed he has an appointment with the POPS program later next week. He stated they also have the initiative Rod Love is working on with the South Apopka Ministerial Alliance.

**2. PUBLIC –**

Ray Shackelford commended Mayor Kilsheimer and members of the Council for following up on summer jobs for the youth of Apopka in order to provide them with options. He went on to say as we continue with annexations and crime goes up, we need to make sure the City's outstanding Police and Fire Departments have the appropriate resources they need.

**NEW BUSINESS**

**1. COUNCIL –**

Commissioner Dean requested Chief Manley and members of the Police Department present stand in order to be acknowledged and commended for the respect they have within the community and thanked them on recently apprehending the murder suspect.

**2. PUBLIC –**

Earl Nurse said he could not find in the City's budget funding for street lights on Park Avenue. He said there are dark stretches of road between Welch Road and Skylark Lane as well as between Ponkan Road and Welch Road and suggested street lights be provided in these areas.

Mayor Kilsheimer stated street lighting was an issue throughout the city and there have been some efforts addressed through a grant program to try and bring additional street lights and



stated it was a priority. He affirmed while going through the budget process this year, the decision was made to stay with the roll back millage rate and they were working within the resources they have. He stated with new staff members on board, they will be evaluating these issues and look into how to apply resources. He announced a job was being posted this week for a Grant Writer.

Mr. Nurse applauded Commissioner Dean for his concern of diversity at City Hall. He stated it would have been nice to have presented the proclamation to Commissioner Dean at a reception where many of the African American residents could have been present to appreciate this presentation.

Mayor Kilsheimer announced on Saturday evening there is a *Marvin C. Zanders Love Recognition Banquet* being held at the John Bridges Center, 6:30 p.m. and there will be a proclamation presented to another person who has been an outstanding member of our community, Ms. Shirley Sharpe-Terrell.

Roscoe Griffin inquired if they could get speeding signs posted in the areas from Park Avenue to Hawthorne Avenue and on 10<sup>th</sup> Street. He said there was a real problem with speeding and running of stop signs on Marvin C. Zanders and 10<sup>th</sup> Street. He requested additional traffic patrol in these areas.

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 3:13 p.m.

\_\_\_\_\_/s/\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Linda F. Goff, City Clerk