

## CITY OF APOPKA

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**Minutes of the City Council regular meeting held on September 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  
Assistant City Attorney Patrick Brackins  
City Administrator Glenn Irby

**PRESS PRESENT:** Teresa Sargeant - The Apopka Chief  
Reggie Connell, The Apopka Voice

**INVOCATION:** Mayor Kilsheimer introduced Pastor Steve Coleman with Faith Works Church, who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said on September 17, 1787, following months of debate at the Constitutional Convention in Philadelphia, the Constitution of the United States was signed by its framers. As part of the compromise to ratify the new Constitution, additional amendments were debated upon and drafted. Two years later, on September 25, 1789, the first Congress of the United States adopted twelve amendments to the U.S. Constitution, ten of which would later be ratified and known as the Bill of Rights. He asked everyone to reflect upon the wisdom, deliberation, careful consideration, and prudence of those who helped create our Constitution as he led in the Pledge of Allegiance.

**AGENDA REVIEW:** Glenn Irby, City Administrator, announced three items are requested to be pulled under Public Hearings/Ordinances/Resolutions: Item 1, Ordinance 2565 is requested to be postponed and it will be readvertised at a later date; the applicant for Items 9 and 10, Ordinances 2594 and 2595 has requested these to be postponed to a date certain of October 4, 2017.

**MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to postpone and readvertise Ordinance No. 2565, and postpone Ordinance No. 2594 and Ordinance No. 2595 to a date certain of October 4, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

### **Proclamations:**

#### **1. Red Ribbon Week Proclamation presented to Orlando Devil Dog Young Marines**

Mayor Kilsheimer read a proclamation recognizing October 23 -31, 2017, as National Red Ribbon Week in the City of Apopka and presented it to Orlando Devil Dog Young Marines.

### **PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT**

#### **Public Comment:**

Gilma Betancourt said she owns property in the City of Apopka and she has two issues with the water department. She spoke of a utility lien placed on houses where the tenants have not paid their accounts. She stated when they leave the Utility Department should not allow the bill to go so high.

Her tenants had delinquent bills in the amount of \$876, \$620, and \$483. She was told the tenants can pay \$50 towards the balance for a reconnection fee and they have water again. However, if they move to another property they cannot put the water in their name. She said when the tenants cut their utilities the deposit can be deducted, and she agreed if there was a balance the owner should pay, but not in these huge amounts. She also has property on South Lake Pleasant Road and she applied to connect water to the houses that were on wells. She was told when the meters were installed she would receive a call so that she could have the houses connected. She said she did not receive the call and did not know the meters were installed until she received the first bill. She was not able to have the connections made until August and felt she should not be responsible for the prior bills.

Pam Barclay, Finance Director, said she was briefly brought up to speed on this, but she was not aware of the impact fees to connect to the water. She said she is hearing two separate issues, one about the tenants' bills and one regarding impact fees. She said she would look into the details and work with Ms. Betancourt regarding this matter.

Rod Love said he wanted to publicly recognize our first responders during the recent disaster. He stated first responders did a yeoman's job statewide. He declared it was very prideful to see how our local first responders responded to this disaster and helped those in need, and how neighbors were checking on and helping each other. He spoke of the utility infrastructure and the outages throughout the state and said the legislature will take care of that. He declared we learned throughout this process and hopes that we continue to alert the community as it relates to paying attention to emergency management advisories.

Bryanna Paul and Catalina Sandoval are from the Apopka High School Drama Department. Ms. Sandoval is the treasurer and helps members on fund raising and runs the ticket booth for performances. They receive little funds from the school for their productions of two main stage shows and a tour at local elementary schools, they are here to ask for support of the Drama Department. Ms. Paul said if anyone present would like to know how they can personally help to please see them after the meeting to learn how they can provide support.

Pastor Hezekiah Bradford wanted to thank the community and the faith based community on how they pulled together during this disaster. He stated he saw Mayor Kilsheimer in many areas and appreciated his commitment to the citizens of Apopka. He said many churches were partnering together to feed people and provide items. He stated neighbors helped each other clean their yards and worked together.

Mayor Kilsheimer said the way the faith based community came together to serve people in the wake of this storm has been truly remarkable, and still working in the community. He stated people from the Franklin Graham Ministries out of North Carolina are in Apopka today helping people.

Mayor Kilsheimer provided an update on a matter very important to Apopka residents, storm debris removal. He said there was an extensive amount of storm debris throughout Apopka waiting to be picked up. He advised the City has learned over the last 24 hours that the contractor we contracted with prior to the storm will not be able to mobilize as planned. He said this contractor who also signed with a number of other communities in Central Florida and did not have the number of subcontractors in place as indicated and is requesting additional funding. He stated this storm has had statewide impacts and the entire state is facing this shortage of resources. This contractor told

us they would be in town on Tuesday picking up storm debris and they were not.

Mayor Kilsheimer affirmed the City has the following goals:

- Remove storm debris as expeditiously as possible.
- Provide the services at the most competitive price we can find in the marketplace.
- Complete this in a way that our procurement rules and process meets the letter of the rules according to FEMA so that we can be reimbursed.

Mayor Kilsheimer said he, Josh Robinson, Sanitation Manager, Assistant Fire Chief Sean Wylam, FEMA Coordinator, and Assistant City Attorney Patrick Brackins have been working on this matter most of the day.

Josh Robinson, Sanitation Manager, said they were expecting crews in the City on Tuesday morning and the project manager called Tuesday morning to inform the City they did not have the resources they had planned on. He spoke with another contractor that Orange County utilizes and has indicated they are interested in working for the City and they have the resources to be able to do this at a similar cost originally contracted with Ashbritt. He has two other quotes that are higher in cost. Mr. Robinson said they are waiting on guidance from our attorney. He stated the City has started the process of collecting storm debris, but the volume will require outside help.

Chief Wylam said the third goal is to make sure this whole process is something that is reimbursable through FEMA. He stated the contract we had was written to make sure they followed the guidelines for reimbursement. He said going forward we want to make sure we do this right and get the right contract in place for the resources we need. He advised there was no guarantee of reimbursement.

Assistant City Attorney Brackins said he reviewed the contract with Ashbritt and looked at other options the City might have. He echoed the City of Maitland was put in the same position with Ashbritt telling them they cannot perform the work at the contracted price. He stated these communities need the storm debris removed as it poses a danger to the community. He provided Mr. Irby and Mayor Kilsheimer his legal opinion about the contract we had and options moving forward. He advised they could go through a sealed bid process, which is a lengthy process and would not recommend the City engage in at this point. Another option would be a competitive bid process that was discussed here, on an emergency basis. A noncompetitive process would be another option which is reserved for true emergencies and a short term solution. They could have someone come out and remove debris in the most critical areas, but at the same time go out and seek bids for long term.

Mayor Kilsheimer said this was not what Apopka residents wanted to hear, however, we have to be honest and let them know exactly what our status is so they have the proper expectations.

#### **CONSENT (Action Item)**

1. Authorize an extension of purchase on the behalf of Royal Oak Homes, LLC for the Marshall Lake site.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve one items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and**

**Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**BUSINESS**

**1. Approve the purchase of two pumps for the Northwest Recreation Center Irrigation Pump Station.**

Jay Davoll, Public Services Director, said this was a follow-up from a discussion in July regarding creating repetitive pumps to be able to water the Northwest Recreation Facility. He said if the one set of pumps goes down, the Fire Department is called upon to come out for irrigation. They went out for bids and are requesting approval to purchase the pumps.

**MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve the purchase of two pumps for the Northwest Recreation Irrigation Pump Station. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS (Action Item)**

**1. Ordinance No. 2565 – Second Reading – Large Scale – Future Land Use Amendment - Postponed to the next available date pending advertising requirements..**

Mayor Kilsheimer advised the next six agenda items were quasi-judicial hearings. Assistant City Attorney Brackins swore in the witnesses.

**2. Ordinance No. 2585 – Second Reading - 2017-2 Administrative. Rezoning – Chandler**  
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.**

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. 2585. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**3. Ordinance No. 2586 – Second Reading – 2017-2 Administrative. Rezoning – Sanders**  
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 Dean, and seconded by Commissioner Becker, to adopt Ordinance No. 2586. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

- 4. Ordinance No. 2587 – Second Reading – 2017-2 Administrative. Rezoning – Jolly Products and Services -** 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 Bankson, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2587. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

- 5. Ordinance No. 2588 – Second Reading – 2017-2 Administrative. Rezoning – Edgel LLC -** 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 Becker, and seconded by Commissioner Dean, to adopt Ordinance No. 2588. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

6. **Ordinance No. 2589 – Second Reading – 2017-2 Administrative. Rezoning – Halm –**  
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 Velazquez, and seconded by Commissioner Bankson, to adopt Ordinance No. 2589. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

7. **Ordinance No. 2592 – Second 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 adopt Ordinance No. 2592. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

- 8. Ordinance No. 2593 – Second Reading – Annexation – 425 & 431 W 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 Velazquez, and seconded by Commissioner Becker, to adopt Ordinance No. 2593. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

- 9. Ordinance No. 2594 – Second Reading – Annexation – 251 W Lester Road – Postponed to October 4, 2017.**
- 10. Ordinance No. 2595 – Second Reading – Annexation – 213 W. Lester Road & 2122 Rock Springs Road – Postponed to October 4, 2107.**
- 11. Ordinance No. 2596 – Second 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 Dean, and seconded by Commissioner Bankson, to adopt Ordinance No. 2596. Motion carried unanimously with Mayor Kilsheimer, and**

**Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

- 12. Ordinance No. 2597 – Second 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 Becker, to adopt Ordinance No. 2597. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

- 13. Ordinance No. 2598 – Second 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 Dean, to adopt Ordinance No. 2598. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

- 14. Ordinance No. 2590 – First Reading – Large Scale – Future Land Use Amendment – Home Trust –**  
The City Clerk read the title as follows:

**ORDINANCE NO. 2590**



**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 TO MIXED USE – INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROAD 429 AND SOUTH OF WEST KELLY PARK ROAD COMPRISING 18.13 ACRES, MORE OR LESS AND OWNED BY JD AND KATHLEEN L. HORNE TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

David Moon, Planning Manager, said this and the next item were requests to assign a future land use designations and for transmittal to the Florida Department of Community Affairs (FDEO). He said the process we are following is slightly different, in that typically the request goes first to the Planning Commission with their recommendation going to Council. Due to the impacts of Hurricane Irma, a quorum was unable to be achieved at the Planning Commission meeting. However, staff felt these two cases had enough merit and benefit to the City and public to expedite as soon as possible. Staff coordinated with the City Attorney's office, as well as the FDEO to be able to proceed with the hearing before City Council without an immediate recommendation from the Planning Commission. It was determined we can proceed, however, a recommendation will still be necessary and the Planning Commission recommendation will occur prior to the second public hearing and it will be forwarded to FDEO.

Mr. Moon reviewed the location of the property, pointing out it is located at the new interchange of the Wekiva Parkway at Kelly Park Road. He advised the Comprehensive Plan Policy states under Policy 20.9 that any land use designation assigned to property within the one mile radius of this interchange will be assigned a Mixed-Use Interchange future land use designation. At this time the surrounding area is primarily zoned agriculture. He pointed out the parcels in the surrounding area that are planned for a new town center. The DRC recommends approval to transmit with a change in Future Land Use to Mixed-Use Interchange and finds this to be compatible with the surrounding area and consistent with the Comprehensive Plan.

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. 2590 at First Reading, require a recommendation from the Planning Commission prior to the Second Reading, and authorize transmittal to the Florida Department of Economic Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

15. **Ordinance No. 2599 – First Reading – Large Scale – Future Land Use Amendment – Sabbath Grace** – The City Clerk read the title as follows:

**ORDINANCE NO. 2599**

**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 INDUSTRIAL TO MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF STATE ROAD 451 AND SOUTH OF JOHNS ROAD COMPRISING 39.85 ACRES, MORE OR LESS AND OWNED BY SABBATH FAITH FELLOWSHIP INCORPORATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Moon said this was a large scale future land use amendment for transmittal to FDEO. He reviewed the location of the property on a map advising it will eventually be combined with three other properties and these parcels combined will be developed as a residential community. The applicant is Royal Oak Homes, LLC, for the residential development. This request is to change from Industrial to Mixed-Use designation and at the time of zoning, the applicant intends to assign a PUD zoning. He advised staff and DRC finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending transmittal to FDEO. The Planning Commission hearing will occur on October 10, 2017. He reiterated the Planning Commission recommendation will be required prior to the second public hearing.

In response to Commissioner Bankson inquiring if there was enough industrial land use available in the City, Mr. Moon advised the City has a large amount vacant industrial and commercial land, stating there is no shortage of land for future economic opportunities.

Luke Classan, Appian Engineering, and Matt Young, Royal Oak Homes, LLC, were both present to answer any questions. Mr. Classan thanked staff for their willingness to work with them and he said they concur with staff's report.

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. 2599 at First Reading, require a recommendation from the Planning Commission prior to the Second Reading, and authorize transmittal to the Florida Department of Economic Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

- 16. Resolution No. 2017-18 – Granting a roll-off container collection franchise agreement to Russo and Sons, LLC.** The City Clerk read the title as follows:

**RESOLUTION NO. 2017-18**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO RUSSO AND SONS, LLC, TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING 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 Resolution No. 2017-18. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**CITY COUNCIL REPORTS**

Commissioner Bankson said Mayor Kilsheimer did a great job regarding this storm and reaching out to different organizations. He said it was great to see people coming together.

Mayor Kilsheimer said this has been a team effort with the City of Apopka staff, the residents, and faith based community.

**MAYOR'S REPORT** – The Mayor's report was provided previously regarding debris removal.

**NOT REQUIRING ACTION:**

1. Appreciation letter from Florida Hospital to the Fire and Police Departments.
2. Appreciation email from an Apopka resident for the Public Services, Waste Management Division.

**ADJOURNMENT** – There being no further business the meeting adjourned at 8:25 p.m.

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

ATTEST;

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