

## **CITY OF APOPKA**

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**Minutes of the regular City Council meeting held on December 17, 2014, at 8:00 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

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

**INVOCATION** – Mayor Kilsheimer introduced Chaplain Edwin Alicea, Florida Hospital, who gave the Invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said on December 17, 1903, at 10:35 a.m. in Kitty Hawk, North Carolina, Orville and Wilbur Wright launched the first successful flight of a self-propelled, heavier-than-air aircraft. The flight of this aircraft, which stayed aloft for 12 seconds and 120 feet, followed three years of research and testing. After the successful flight, the Wright Brothers continued to develop their flying machines and secured patents leading to the birth of the modern aviation industry. He asked all to reflect upon the ingenuity, bravery, and pioneering spirit of all of those who endeavored to be First in Flight as he led in the Pledge of Allegiance.

### **PRESENTATIONS**

1. **Sons of the American Revolution Fire Safety Commendation Medal** - Presented to Jeff Tyre by Dan Dall, LTC (ret) US Army.

Mayor Kilsheimer read the background on Chief Jeff Tyre who started his Fire career in 1984 as a full-time firefighter with the City of Apopka. He rose through the ranks and is presently the Assistant Fire Chief of Fire Prevention and Life Safety. Chief Tyre has always been the spearhead of our life safety program. Under Chief Tyre, our Fire and Prevention programs have grown by leaps and bounds. He reviewed the various programs and stated Chief Tyre is the safety officer on fire calls and on several occasions has made life saving decisions. Chief Tyre is an excellent candidate for the Fire Safety Commendation Medal.

Col. Dall said it was an honor to represent the Sons of the American Revolution, and each year they recognize and select an individual in Fire Safety or Law Enforcement who has gone above and beyond the call. He presented Chief Tyre with the Commendation Medal.

### **CONSENT AGENDA**

1. Approve the minutes from the special City Council meeting held on November 19, 2014, at 6:30 p.m.

2. Approve the minutes from the regular City Council meeting held on November 19, 2014, at 8:00 p.m.
3. Approve the minutes from the regular City Council meeting held on December 3, 2014, at 1:30 p.m.
4. Approve the minutes of Administrative Bid Opening No. 2014-15 for One Custom Ambulance for the Fire Department, held on December 8, 2014, at 10:15 a.m.
5. Award the contract, in the amount of \$92,700.00, to Wheeled Coach Industries, Inc., for One Custom Ambulance for the Fire Department.
6. Authorize the purchase from Orlando Business Telephone Systems, in the amount of \$29,460.00, for new Mitel IP phones and licenses.

**MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve the 6 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. 2394 – SECOND READING & ADOPTION - ANNEXATION –** Leslie & Nancy Hebert, property located at 3600 W. Kelly Park Road. (Parcel I.D. # 13-20-27-0000-00-046) (6.11 +/- acres) [Ordinance No. 2394 meets the requirements for adoption having been advertised in The Apopka Chief on December 5, 2014.] The City Clerk read the title as follows:

### **ORDINANCE NO. 2394**

**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 LESLIE AND NANCY HEBERT, LOCATED AT 3600 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Arrowsmith, and seconded by Commissioner Dean, to adopt Ordinance No. 2394. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

2. **ORDINANCE NO. 2395 – SECOND READING & ADOPTION - ANNEXATION –** McCarthy McCollough, property located at 1505 W. Kelly Park Road. (Parcel I.D. # 08-

20-28-0000-00-003) (8.51 +/- acres) [Ordinance No. 2395 meets the requirements for adoption having been advertised in The Apopka Chief on December 5, 2014.] The City Clerk read the title, as follows:

**ORDINANCE NO. 2395**

**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 MCCARTHY MCCOLLOUGH, LOCATED AT 1505 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Arrowsmith, to adopt Ordinance No. 2395. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 3. ORDINANCE NO. 2396 – SECOND READING & ADOPTION - ANNEXATION –** Ahmed & Moira L. Al-Malt, properties located at 308, 316 & 318 E. Welch Road. (Parcel I.D. #s 34-20-28-9550-00-271 (2.42 ac), 34-20-28-9550-00-270 (2.42 ac) & 34-20-28-9550-00-260) (3.00 ac) (Combined 7.84 +/- acres) [Ordinance No. 2396 meets the requirements for adoption having been advertised in The Apopka Chief on December 5, 2014.] The City Clerk read the title, as follows:

**ORDINANCE NO. 2396**

**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 AHMED AND MOIRA L. AL-MALT LOCATED AT 308, 316, AND 318 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Ruth, and seconded by Commissioner Dean, to adopt Ordinance No. 2396. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 4. ORDINANCE NO. 2397 – SECOND READING & ADOPTION - ANNEXATION –** Afzal & Sabiya Khan, properties located at 382 & 400 E. Welch Road. (Parcel I.D. #s 34-20-28-9550-00-241 (2.44 ac) & 34-20-28-9550-00-231) (2.89 ac) (Combined 5.33 +/- acres) [Ordinance No. 2397 meets the requirements for adoption having been advertised in The Apopka Chief on December 5, 2014.] The City Clerk read the title, as follows:

**ORDINANCE NO. 2397**

**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 AFZAL AND SABIYA KHAN LOCATED AT 382, AND 400 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Arrowsmith, and seconded by Commissioner Ruth, to adopt Ordinance No. 2397. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 5. ORDINANCE NO. 2398 – SECOND READING & ADOPTION - ANNEXATION –** Guarda and Son, LLC, property located at 1240 Ustler Road; and authorize staff to proceed with an Interlocal Agreement with Orange County for Annexation of Enclaves. (Parcel I.D. # 34-20-28-9550-00-200) (5.07 +/- acres) [Ordinance No. 2398 meets the requirements for adoption having been advertised in The Apopka Chief on December 5, 2014.] The City Clerk read the title, as follows:

**ORDINANCE NO. 2398**

**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 GUARDA AND SON, LLC, LOCATED AT 1240 USTLER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer advised this annexation would create an enclave and staff's recommendation is to enter into an Interlocal Agreement for Annexation of Enclaves with Orange County which will come back before the Council.

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 adopt Ordinance No. 2398, and authorize staff to proceed with an Interlocal Agreement for Annexation of Enclaves with Orange County. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 6 ORDINANCE NO. 2399 - FIRST READING - CHANGE OF ZONING/PUD MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN** – Appy Lane Holdings, LLC, from R- 1AAA (0-2 du/ac) to Planned Unit Development (PUD/R-1A) (0 – 2 du/ac) for property located West of Jason Dwelley Parkway, north of Appy Lane. (Parcel ID # 18-20-28-0000-00-089) The City Clerk read the title as follows:

**ORDINANCE NO. 2399**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AAA (0-2 DU/AC) TO PLANNED UNIT DEVELOPMENT (PUD/R-1A (0-2 DU/AC)); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF JASON DWELLEY PARKWAY, NORTH OF APPY LANE COMPRISING 13.04 ACRES MORE OR LESS, AND OWNED BY APPY LANE HOLDINGS, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

David Moon, Planning Manager, gave a brief description of the request to change the zoning from R-1AAA to Planned Unit Development. Under Planned Unit Development a Master Site Plan is required and is part of this ordinance. He reviewed the location of the property and affirmed the property is currently vacant. He reviewed the current zoning and the proposed zoning. He compared the surrounding properties to this proposed development. There will be a 30-foot wide natural buffer along Jason Dwelley Parkway and along Appy Lane. He advised at the time of the Final Development Plan, the City may require an easement up to 11-feet to accommodate bike trails along Jason Dwelley Parkway and Appy Lane, which will replace the sidewalk required on these roads. Staff's report will be filed with the minutes. Development Review Committee recommends approval as proposed, and the Planning Commission at their December 9, 2014 meeting recommended approval unanimously.

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 Dean, to approve the First Reading of Ordinance No. 2399, and hold it over for a Second Reading, and accept the Appy Lane Master Plan\ Preliminary Development Plan with**

**the stipulation if a bike trail is not constructed, then there be a minimum of a 6 foot wide sidewalk. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 7. ORDINANCE NO. 2400 - FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – J. William Arrowsmith,** from Parks & Recreation to Residential Low (0-5 du/ac), for property located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove. (Parcel ID #s: 32-20-28-0000-00-057 & 32-20-28-0000-00-066) The City Clerk read the title as follows:

**ORDINANCE NO. 2400**

**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 PARKS AND RECREATION TO RESIDENTIAL LOW (0-5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF LAKE ALDEN DRIVE, WEST OF ERROL PARKWAY, AND EAST OF OLD MAGNOLIA COVE, COMPRISING 1.29 ACRES MORE OR LESS, AND OWNED BY J. WILLIAM ARROWSMITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

In response to Commissioner Arrowsmith's inquiry of whether he should leave the room on this and the next ordinance, City Attorney Shepard advised he did not need to leave the room, but to make sure he files the form 8B. He further affirmed Commissioner Arrowsmith could participate in the discussion.

David Moon, Planning Manager, stated this and the next Ordinance was from the same property owner, therefore, he would address both Ordinances. This changes the land use on property that is 1.29 acres from Park and Recreation to Residential Low Density. The Zoning request is to change from Park and Recreation to an R-1AA zoning which has a minimum lot size of 12,500 square feet. He reviewed the location of the property within Errol Estates which is presently comprised of two parcels. One parcel has direct access to Lake Alden Drive, the other being a flag lot. The case appeared before the Development Review Committee as well as the Planning Commission and both have recommended approval of the future land use amendment, as well as the proposed zoning category. He affirmed research has revealed this would not have an effect on the City standards for green space. The staff report will be filed with the minutes.

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 the First Reading of Ordinance No. 2400, and hold it over for a Second**

**Reading.** Commissioner Arrowsmith said he would be abstaining and filing a Form 8B, as he was the property owner. Motion carried 4-0 with Mayor Kilsheimer, and Commissioners Dean, Velazquez and Ruth voting aye, and Commissioner Arrowsmith abstaining.

- 8. ORDINANCE NO. 2401 - FIRST READING - CHANGE OF ZONING -** J. William Arrowsmith, from PR to R-1AA (Residential), for property located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove. (Parcel ID #: 32-20-28-0000-00-057 & 32-20-28-0000-00-066) The City Clerk read the title as follows:

**ORDINANCE NO. 2401**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PR TO R-1AA (0-5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF LAKE ALDEN DRIVE, WEST OF ERROL PARKWAY, AND EAST OF OLD MAGNOLIA COVE, COMPRISING 1.29 ACRES MORE OR LESS, AND OWNED BY J. WILLIAM ARROWSMITH; 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 Ruth, and seconded by Commissioner Velazquez, to approve the First Reading of Ordinance No. 2401, and hold it over for a Second Reading. Commissioner Arrowsmith said he would be abstaining and filing a Form 8B, as he was the property owner. Motion carried 4-0 with Mayor Kilsheimer, and Commissioners Dean, Velazquez and Ruth voting aye, and Commissioner Arrowsmith abstaining.

- 9. ORDINANCE NO. 2402 - FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT –** Property Industrial Enterprises, LLC, from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (Restricted) (0.3 FAR), for properties located at 320 and 328 W. 2nd Street. (Parcel ID #: 09-21-28-0868-01-250 & 09-21-28-0868-01-260) The City Clerk read the title as follows:

**ORDINANCE NO. 2402**

**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” LOW-**

**MEDIUM RESIDENTIAL DENSITY (0-10 DU/AC) TO “CITY” INDUSTRIAL (RESTRICTED) (0.6 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST 2<sup>ND</sup> STREET, WEST OF SOUTH HAWTHORNE AVENUE, AND SOUTH OF WEST ORANGE BLOSSOM TRAIL/CSX RAILROAD LINE, COMPRISING 0.84 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 the First Reading of Ordinance No. 2402, and hold it over for a Second Reading. Commissioner Arrowsmith said he would be abstaining and filing a Form 8B, as the applicant is client of the bank he serves as Vice President. Motion carried 4-0 with Mayor Kilsheimer, and Commissioners Dean, Velazquez and Ruth voting aye, and Commissioner Arrowsmith abstaining.**

**10. ORDINANCE NO. 2403 - FIRST READING - CHANGE OF ZONING -** Property Industrial Enterprises, LLC, from “County” R-2 (0-10 du/ac) to “City” I-1 (Industrial/Restricted), for properties located at 320 and 328 W. 2nd Street. (Parcel ID #s: 09-21-28-0868-01-250 & 09-21-28-0868-01-260). The City Clerk read the title as follows:

**ORDINANCE NO. 2403**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-2 (0-10 DU/AC) TO “CITY” I-1 (RESTRICTED) (0.6 FAR) PR TO I-1 (RESTRICTED INDUSTRIAL) (0.6 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST 2<sup>ND</sup> STREET, WEST OF SOUTH HAWTHORNE AVENUE, AND SOUTH OF WEST ORANGE BLOSSOM TRAIL/CSX RAILROAD LINE, COMPRISING 0.84 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, LLC; 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 Ruth, and seconded by Commissioner Velazquez, to approve the First Reading of Ordinance No. 2403, and hold it over for a Second Reading. Commissioner Arrowsmith said he would be abstaining and filing a Form 8B, as the applicant was a client of the bank he serves as Vice President. Motion carried 4-0**



**with Mayor Kilsheimer, and Commissioners Dean, Velazquez and Ruth voting aye, and Commissioner Arrowsmith abstaining.**

**SITE APPROVALS** – There were no site approvals.

**DEPARTMENT REPORTS AND BIDS –**

1. **Administrative Report** – Mayor said the Administrative Report was included in the agenda packet.

**MAYOR'S REPORT** - Mayor Kilsheimer reported the following:

- After the last meeting, Mr. Kevin Walsh, Minority Business Enterprise Official with the City of Orlando, met with Commissioners Dean and Velazquez and provided information on how to create a minority business enterprise program and these materials have also been provided to Commissioners Arrowsmith and Ruth.
- A certified letter was received from Chris Hurst, Sr. Vice President of Regions Bank, explaining the issues surrounding the bank's clerical error regarding the 10 returned checks.
- Richard and Suzanne Waring sent a thank you note expressing thanks to the Police Department in apprehending burglary suspects and maintaining a presence in their neighborhood.
- MetroPlan and the Executive Director of the MPO, Harry Barley, wrote a letter of condolences on the passing of Mayor Land and advised that the MPO and Mr. Barley contributed to the John Land Community Trust in Mayor Land's memory. Also, MetroPlan held their annual toy drive and volunteer recognition luncheon today, contributing all donated toys to the City of Apopka. Chief Manley will be in charge of their distribution.
- He said the biggest news in town was with regards to the Blue Darters winning the football game Saturday night becoming the 8A State Football Champions. He stated plans were being made to recognize the football team at the Food Truck Round Up event on January 8, 2015, making this part of the community recognition. Fundraising has been initiated to buy both championship rings and jackets for the team.

**OLD BUSINESS**

1. **COUNCIL** - There was no old business from the Council.
2. **PUBLIC** – There was no old business from the Public.

**NEW BUSINESS**

1. **COUNCIL** - Commissioner Dean inquired about the legislative wish list to which Mayor Kilsheimer said he would like to put all of the suggestions together and review these at the January 7th Council meeting.

2. **PUBLIC** – Ray Shackelford said the Christmas Parade was outstanding and it was good to see the youth involved. He wished everyone a Merry Christmas and Happy New Year asking that one resolution be considered to support One Apopka for Progress whereby no community will be left behind in the economic process.

Mayor Kilsheimer said the Christmas Parade was an outstanding effort on behalf of everyone in the City of Apopka.

Discussion was held regarding grow areas for medical marijuana and Commissioner Arrowsmith stated he would like Kenneth Sumner's nursery to also be considered.

Commissioner Ruth requested holding a discussion at a future meeting regarding meeting times.

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 9:12 p.m.

ATTEST:

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/s/  
Joseph E. Kilsheimer, Mayor

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/s/  
Linda F. Goff, City Clerk