

CITY OF APOPKA

Minutes of the regular City Council meeting held on December 2, 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 Cliff Shepard
City Administrator Glenn Irby

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

APPROVAL OF MINUTES:

1. City Council meeting November 18, 2015.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve the November 18, 2015 City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

PUBLIC/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Proclamations:

1. Mayor's Proclamation, March 15, 2016, General Election – Mayor Kilsheimer read the proclamation announcing the 2016 General Election and qualifying.

Employee Recognition:

- **Tim Talley – Field Services/Police Department – Ten Year Service Award** - Tim began working for the City on November 7, 2005, as a Police Officer, which is his current position. Tim was not present and his award will be presented at another time.
- **Daniel Saucedo – Utility Billing/Finance Department – Ten Year Service Award** - Daniel started working for the City on November 11, 2005, as a Cashier/Customer Service Clerk for Utility Billing. On September 3, 2012, he was promoted to Customer Service Specialist, which is his current position. Daniel was not present and his award will be presented at another time.
- **Brian Bowman – Chief's Office/Fire Department – Fifteen Year Service Award** - Brian began working for the City on November 27, 2000, as a Fire Fighter. On January 2, 2001, he was reclassified to a Fire Fighter First Class. Brian was promoted on October 12, 2007, to a Fire Engineer and on April 2, 2012, he was promoted to Fire Lieutenant. This year, on May 17, 2015, he was promoted to Fire Captain, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Brian on his years of service to the City.

- **Joseph “Joe” Leonard – Utility Restoration/Public Services – Fifteen Year Service Award** - Joe started working for the City on November 27, 2000, as a Maintenance Worker I in Grounds Maintenance. He was reclassified on July 24, 2006, to Maintenance Worker II. Joe was promoted on November 12, 2007, to Construction Foreman in Utility Restoration, which is his current position. Joe was not present and his award will be presented at another time.
- **Donald “Don” Klouse – EMS/Fire Department – Twenty Year Service Award** - Don began working for the City on November 30, 1995, as a Fire Fighter. On July 9, 1996, he was reclassified to Fire Fighter First Class. On October 30, 1998, he was promoted to Fire Engineer, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Don on his years of service to the City.

CONSENT (Action Item)

1. Authorize road closures for a Christmas Parade - First UMC of Apopka
2. Rejection of Bid No. 2015-09 for a custom ambulance.
3. Purchase of real property for installation of a traffic signal.
4. Authorize purchase of two Automated Side Loader Refuse Trucks - Florida Sheriffs Association Contract.
5. Authorize purchase of one Automated Front End Loader Refuse truck - Florida Sheriffs Association Contract.
6. Authorize purchase of one Kubota M5-091 tractor - Florida Sheriffs Association Contract.
7. Department of Corrections - Inmate work squad, Contract #WS1040.
8. CH2M Hill, Inc. & Reiss Engineering - first extension of the contracts - Consulting Services for Professional Engineering.
9. Authorize the evaluation and public hearing for a proposed Brownfield designation.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve the 9 items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance 2459 – Second Reading – Annexation. The City Clerk read the title as follows:

ORDINANCE NO. 2459

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 JTD LAND AT ROGERS RD., LLC, LOCATED AT 2303 ROGERS 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 Arrowsmith, to adopt Ordinance No. 2459. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. Ordinance 2460 – Second Reading – Annexation. The City Clerk read the title as follows:

ORDINANCE NO. 2460

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 HUY TRAN AND HAI ANH NGUYEN, LOCATED AT 904 SCHOPKE 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 Dean, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2460. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

3. Ordinance 2461 – Second Reading – Annexation. The City Clerk read the title as follows:

ORDINANCE NO. 2461

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 PROPERTY INDUSTRIAL ENTERPRISES, LLC, LOCATED AT 300 WEST 2ND 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 Ruth, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2461. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. Ordinance 2462 – Second Reading – Annexation. The City Clerk read the title as follows:

ORDINANCE NO. 2462

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 DEBRA EVANS CARGIL, LOCATED AT 202 SOUTH HAWTHORNE AVENUE; 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 Arrowsmith, to adopt Ordinance No. 2462. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. Ordinance 2463 – Second Reading – Annexation. The City Clerk read the title as follows:

ORDINANCE NO. 2463

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 APOPKA CLEAR LAKE INVESTMENTS, LLC, LOCATED SOUTH OF PETERSON ROAD AND WEST OF BINION 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 adopt Ordinance No. 2463. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. Ordinance 2464 – Second Reading - Amending Chapter 46 of the Code of Ordinances. The City Clerk read the title as follows:

ORDINANCE NO. 2464

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA AMENDING CHAPTER 46, "FIRE PREVENTION AND PROTECTION" OF THE APOPKA MUNICIPAL CODE, BY

AMENDING ARTICLE III, "FIRE CODES AND STANDARDS", SECTION 46-76 TO ADOPT THE FLORIDA FIRE PREVENTION CODE (NFPA 1) AND THE LIFE SAFETY CODE (NFPA 101) BY REFERENCE; AMENDING SECTION 46-78, THE FLORIDA FIRE PREVENTION CODE, CHAPTER 13, "FIRE PROTECTION SYSTEMS", PARAGRAPH 13.3.1.2, "GENERAL"; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTS; 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 Ruth, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2464. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

7. Ordinance 2465 – Second Reading – Annexation. The City Clerk read the title as follows:

ORDINANCE NO. 2465

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 JERRY KIRKLAND AND LANNETTE KIRKLAND, LOCATED AT 3707 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 Arrowsmith, and seconded by Commissioner Ruth, to adopt Ordinance No. 2465. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

8. Ordinance 2467 – First Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

ORDINANCE NO. 2467

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" RURAL SETTLEMENT (0-1 DU/5 AC) TO "CITY" COMMERCIAL (0.6 FAR), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF

CLARCONA ROAD, SOUTH OF WEST KEENE ROAD, COMPRISING 9.4 ACRES MORE OR LESS, AND OWNED BY TECHNOLOGY PROPERTY LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, said this ordinance and the following ordinance, 2468, apply to the same property and the following case is quasi-judicial. He gave a brief lead in stating the property is located on the west side of Clarcona Road and south of West Keene Road. The property is vacant and the current zoning is county planned development. The proposed development is for wholesale commercial and the applicant requests C-3 zoning. The property is 9.4 acres and qualifies as a small scale land use amendment in terms of the process. The applicant is requesting assignment of a future land use from "County" Rural Settlement to "City" Commercial and change in zoning from "County" P-D Development to "City" C-3 Commercial. He advised within the surrounding area the future land use is primarily agriculture commercial or industrial. There are some single family homes to the north and to the west is an existing trailer park, as well as to the south. He advised the Development Review Committee met and found the proposed zoning and future land use designation to be compatible with the character of the area and recommends approval. The Planning Commission met on November 10, 2015 and recommended approval of both the request for the future land use amendment change and the zoning amendment.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Ordinance No. 2467 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.

9. Ordinance 2468 – First Reading – Change of Zoning. The City Clerk read the title as follows:

ORDINANCE NO. 2468

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" P-D (ZIP) TO "CITY" C-3 (WHOLESALE COMMERCIAL) (0.25 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF CLARCONA ROAD, SOUTH OF WEST KEENE ROAD, COMPRISING 9.4 ACRES MORE OR LESS, AND OWNED BY TECHNOLOGY PROPERTY LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mayor Kilsheimer advised this was a quasi-judicial hearing. The affected parties were sworn in.

Mayor Kilsheimer disclosed ex parte communications with the property owner regarding this plan and his additional plans for bringing a light manufacturing operation to the City of Apopka.

Lou Forges, Robinson Forges Realty International, said he was present to answer any questions.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Ordinance No. 2468 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

10. Ordinance 2469 – First Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

ORDINANCE NO. 2469

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/RECREATION TO INDUSTRIAL (0.6 FAR), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST CLEVELAND STREET, WEST OF SHEELER AVENUE, COMPRISING 9.95 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, said the same property applies to this ordinance, and ordinance 2470, which is quasi-judicial. He advised the applicant is the City of Apopka and the property is located on the north side of East Cleveland Street, and west of Sheeler Avenue. He advised the current zoning is Park and Recreation. The proposed development will be light industrial and the zoning request is for I-1. The request for the future land use is Industrial. The tract size is 9.95 acres and since it is less than 10 acres, it qualifies as a small scale land use amendment. The Planning Commission recommended approval of both ordinances at their November 10, 2015. The Development Review Committee's recommendation was also to approve both ordinances. He stated the property is owned by the City and borders to the north by land that is assigned both Industrial future land use and Industrial zoning. Access to the site can occur by property owned to the west by the City, or could occur through future land acquisitions to the north. He reported the general character to the surrounding area is industrial or institutional and that land is owned by the City. The recommendation is to approve both the future land use amendment and the zoning change.

In response to Commissioner Velazquez inquiring if the City was selling or developing the property, Mayor Kilsheimer advised the City was considering selling the property for industrial use. He stated this property is not accessible to Cleveland Street and the idea of using this as a potential industrial site for the creation of jobs is an attractive possibility.

Commissioner Dean inquired what type of manufacturing, to which Mayor Kilsheimer explained the interested company manufactures cabling with an attached coupling and it is sold to the Department of Defense.

Mayor Kilsheimer opened the meeting to a public hearing.

Valynn Sala-Diakanda expressed concern with how this would help with beautification for the city. She inquired how this would help with job creation, types of jobs, and what age would be hired for these jobs.

Mayor Kilsheimer described the area this land is located stating the Public Services for the city is in this area where fleet, public works yard, and the Public Safety Training Center were all in this area. This particular parcel is a quarter of a mile off of the road to the north and not visible from the road. It is accessible through the Training Center. It is currently vacant land and will hopefully employ a minimum of 25 – 30 people and possibly as many as 100 jobs.

Shirley Perez-Pagan inquired if this is a manufacturing business currently running, would it not be possible to obtain from them what the specifics are for the industry requirements. She expressed concern regarding beautification taken out of the equation for land that was under Parks/Recreation.

Ray Shackelford said he applauds creating jobs, but stated there may be other interested companies, therefore, an RFP process should be followed.

City Attorney Shepard explained the company presented this to the City as an opportunity. The City was not trying to find a partner, which is why it did not go to RFP.

Isadora Dean said there were homes in the area and wondered if residents in that area knew there was consideration of light manufacturing in their community. She stated she would love to see a park or housing there.

Misha Corbett inquired if they were expanding and this will be a new facility, or were they moving their current facility.

Mayor Kilsheimer advised they were moving their current facility and expanding at the same time.

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

Commissioner Dean stated at one time there was land on Cleveland that was intended to be developed as affordable housing that did not occur. All amenities had been put in for this property at that time. He expressed concern regarding housing in the vicinity.

Mayor Kilsheimer reviewed the history stating this was lobbyist Richard Anderson's idea of placing this light manufacturing operation on this site and the city is following through with the suggestion. He explained these were good jobs and this was a clean business with no chemicals associated with the company.

Commissioner Arrowsmith inquired if this was a land swap, to which Mayor Kilsheimer responded in the affirmative.

Commissioner Arrowsmith said this was strictly for a zoning change at this time and the company will have to go through the site plan process and all procedures that will inform the public of the details.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez to approve Ordinance No. 2469 at First Reading and carry it over for a Second Reading. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Arrowsmith, Velazquez, and Ruth voting aye, and Commissioner Dean voting nay.

11. Ordinance 2470 – First Reading – Change of Zoning. The City Clerk read the title as follows:

ORDINANCE NO. 2470

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PR (PARKS/RECREATION) TO I-1 (RESTRICTED INDUSTRIAL) (0.60 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST CLEVELAND STREET, WEST OF SHEELER AVENUE, COMPRISING 9.95 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; 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 Ruth, seconded by Commissioner Velazquez to approve Ordinance No. 2470 at First Reading, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

12. Ordinance 2471 – First Reading – Change of Zoning. The City Clerk read the title as follows:

ORDINANCE NO. 2471

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” I-4 (ZIP) AND “CITY” I-1 TO PLANNED UNIT DEVELOPMENT (PUD/I-2); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HERMIT SMITH ROAD AND SOUTH OF HOGSHEAD ROAD, COMPRISING 19.4 ACRES MORE OR LESS, AND OWNED BY RAYNOR APOPKA LAND MANAGEMENT LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

David Moon, Planning Manager, gave a brief lead in on this request stating the applicant is requesting to change the zoning from "County" I-4 and "City" I-1 to Planned Unit Development/Industrial. The owner of the property is Raynor Apopka Land Management, LLC, and the applicant is American Civil Engineering. This is located at the south end of Hermit Smith Road, south of Hogshead Road, and west of SR 429. The existing future land use designation is Industrial. The property is 19.4 acres. The applicant has a current business located in another city and they wish to locate to the City of Apopka at the subject site. The use and activity of the business is a mulch manufacturing operation. This requires the storage of raw materials on the outside of the buildings and the mulching equipment is also outside. To allow for those activities an I-2 zoning would be required. He stated city staff had concern that I-2 zoning would allow for other non-compatible activities that the city might not have control over at the time of a site plan application. Staff only supported a zoning change if the applicant requested plan unit development with site specific development standards and zoning standards. He affirmed that within the ordinance the only I-2 use allowed is the manufacturing of mulch and the storage of raw materials that would be used to manufacture the mulch. As a PUD they are required to provide a master plan which is part of the application. He reviewed the standards that apply to the property. Within a PUD an applicant can request special site specific development standards that differ from what is proposed in the Land Development Code. He advised that DRC and Planning Commission recommend approval of the special site specific standards that require buffering along the perimeter, but do not require a brick wall due to the character of the area. Planning Commission on November 24, 2015 recommended approval.

Commissioner Dean inquired how many homes were in this area, to which Mr. Moon advised of the number of homes and explained the future land use assigned to the property is Industrial. He advised the County zoning of I-4 is one of the most intensive industrial activities. Therefore, the PUD will limit the I-2 uses that will occur and will be less intensive of what could have occurred under the County zoning.

The affected parties were sworn in.

Mike Dinkel said he would respond to some of the questions. He stated pine bark is not natural to this area and if customers request pine bark, it is shipped in. He advised they are a 100% recycling company. They take all of the debris the City of Orlando or County bring to them and turn that material into three different products, either mulch, fuel wood for power plants, or fines which is a biodegradable plant material that turns into soil. He advised they would have 80-100 employed at this area in the \$15 - \$25 per hour range.

Mayor Kilsheimer opened the meeting to a public hearing.

Bobby Reid expressed concern regarding the possibility of fire, stating the vegetation in that entire area is dead during the winter.

Chief Bronson said they have put in fire protection and the size of piles will be limited so that they will be manageable. Also, any building over 7,500 square feet will be sprinkled.

Tenita Reid said she was not against the operation, but she too was concerned regarding spontaneous combustion.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to approve Ordinance No. 2471 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.

13. Ordinance 2472 – First Reading – PUD Master Plan. The City Clerk read the title as follows:

ORDINANCE NO. 2472

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, RESCINDING ORDINANCE NO. 2292, AND AMENDING THE PLANNED UNIT DEVELOPMENT ZONING (PUD\C-2) STANDARDS AND MASTER PLAN; FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST ORANGE BLOSSOM TRAIL (U.S. HWY 441), SOUTH OF OLD DIXIE HIGHWAY, AND EAST OF ERROL PARKWAY COMPRISING 2.94 ACRES, MORE OR LESS AND OWNED BY SPIRIT SPE PORTFOLIO CA C-STORES, LLC AND/OR RACETRAC PETROLEUM, INC.; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

David Moon, Planning Manager, said City Council has received a letter from the applicant requesting to continue this item to December 16, 2015, based upon their need for additional time to secure information regarding the recent sale of the property from RaceTrac to Marathon. He advised staff has requested that information be provided to the City Attorney's office. That information was inconclusive, so RaceTrac and Marathon are in the process of obtaining the necessary signatures. He advised staff believes they have had enough time to obtain the information being requested, it is suggested the public hearing be continued until January 20, 2016.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth to table the public hearing to January 20, 2015. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Ruth voting aye and Commissioner Velazquez voting nay.

14. Resolution 2015-25 - Reimbursements from proceeds of tax-exempt debt. The City Clerk read the title as follows:

RESOLUTION NO. 2015-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA WITH RESPECT TO THE REIMBURSEMENT OF CERTAIN COSTS RELATING TO THE ACQUISITION OF VARIOUS VEHICLES

AND CAPITAL EQUIPMENT AND THE DESIGN, ENGINEERING AND CONSTRUCTION FO THE SEWER EXPANSION PROJECT.

Glenn Irby, City Administrator, said the current year budget authorizes the expenditure of nearly \$13.8 million in capital equipment and projects, inclusive of the wastewater plant expansion. There are very low interest rates on borrowed funds, therefore, the proposal is a reimbursement to the coffers of the City for monies we expend during the Fiscal Year for this equipment and the projects. He affirmed, without the resolution, once the money is borrowed, we could not pay ourselves back.

Mayor Kilsheimer opened the meeting to public participation.

Aida Campbell said she did not understand these numbers and the resolution. She said she was against all these chemicals that are being brought in and the auto salvage. She stated she liked Apopka with trees and did not want all of this coming in. She would like to see a welcome sign for those coming to the city. She asked that they not vote for the salvage yard.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Resolution No. 2015-25 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

BUSINESS (Action Item)

1. Preliminary Development Plan – Copart, Inc.

David Moon, Planning Manager, said Council has been provided a letter from the applicant requesting that their case be continued and not be presented to Council at the December 2, 2015 meeting. He advised because this case involves a site plan, it does not have the same advertising requirements as a zoning application or future land use amendment, therefore, Council does not need to set a specific date.

City Attorney Shepard said it was his opinion this type of project is not permitted under the Land Development Code. The applicant and his attorney are requesting the opportunity to meet with him regarding this matter.

MOTION by Commissioner Velazquez and seconded by Commissioner Ruth to table to the end of February.

Jose Molina expressed concerns regarding Copart Industries. He advised he had provided a handout on their locations in Florida and what they actually look like. He was of the opinion it is an eyesore and reviewed photographs of the proposed metal fencing stating you can see beyond the fence. He reviewed a number of photographs and said they are proposing damaged vehicles and it will be a salvage yard. He further stated Copart's website shows a warning of bio hazardous chemical such as antifreeze, acid, brake fluid, power steering fluid, and transmission fluid. He expressed concern of their proposing this on gravel, so, as it rains, all of this hazardous material will seep into the ground.

Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. Council – There was no business from the Council.

3. Public

Ann Cunningham thanked the prior speaker for bringing this information. She stated they have a group on Facebook that many follow and have commented on having an Auto Zone and salvage yard in our community. She said she wonders why we are not recruiting better businesses for this community and why we continue to have minimum wage businesses, fast foods, and auto part stores on the agenda. She also inquired where the city was in regards to the visioning process and the city center project.

Mayor Kilsheimer said this can be broken down to a number of points. He advised the City of Apopka has not had a full time economic director. He stated we are hiring a new Community Development Director and part of that job description includes running an economic development program. He also advised staff was currently analyzing and negotiating a sales agreement on the city center. Staff is also negotiating and working on what is referred to as the station street district and a number of various items.

Lee Ann Belanger said the City Calendar on the website has no mention of the Development Review Committee. She inquired if there was a cutoff date for special Planning Commission meetings. She expressed concern regarding short notification of public meetings.

Clarence Knight spoke and expressed concerns regarding people speeding on Christiana where the speed limit is 30 miles per hour. He inquired if speed bumps could be placed there to slow people down.

Jay Davoll, Public Services Director, advised that the Land Development Code does not allow for speed bumps. The city has handled such issues with enforcement.

Suzanne Kidd expressed concern regarding street lights needed throughout the city. She said two weeks ago a 15 year old high school student was leaving the back of the WaWa store on his bike onto Old Dixie Highway where he was hit and later lost his life as a result. She stated the dark roads at night can be life threatening. She named several areas throughout that are lacking street lights and requested the city coordinate with the county to add street lighting.

Isadora Dean said many are in the dark with regards to what is going on in the City. She suggested a State of the City Address, stating then citizens would have an idea of what is going on and can look toward the future. Mrs. Dean also spoke of concerns where this young man was hit by a vehicle on Old Dixie Highway, as well as people who jay walk across State Road 441.

Mayor Kilsheimer advised he was working on a State of the City Address and it is anticipated to be in January.

Ray Shackelford echoed the concerns of Mrs. Kidd and Mrs. Dean. He also spoke about the commitment to upgrade Alonzo Williams Park and suggested a budget amendment be done to upgrade the park rather than waiting on grant funds. He again requested dollar amounts for expenditures be placed on the agenda so one does not have to go through the entire agenda packet to obtain this information.

MAYOR'S REPORT – No report.

ADJOURNMENT – There being no further business the meeting adjourned at 3:42 p.m.

ATTEST:

s/s

Linda F. Goff, City Clerk

/s/

Joseph E. Kilsheimer, Mayor