

APOPKA CITY COUNCIL AGENDA
August 16, 2017 7:00 PM
APOPKA CITY HALL COUNCIL CHAMBERS
Agendas are subject to amendment through
5:00pm on the day prior to City Council Meetings

CALL TO ORDER

INVOCATION - Bishop Kelvin L. Cobaris from the Impact Church of Apopka

PLEDGE

APPROVAL OF MINUTES:

1. City Council workshop meeting July 10, 2017.
2. City Council workshop meeting July 12, 2017.
3. City Council special meeting July 20, 2017.
4. City Council regular meeting August 2, 2017.

AGENDA REVIEW:

Presentations:

1. Introduction of newly appointed Deputy Police Chief Randy Fernandez.
2. Eagle Scout Project Proposal: Little Free Library Stations.
3. Eagle Scout Project Proposal: Dream Lake Park Paver Pathway & Picnic Tables.
4. Eagle Scout Project Proposal: Dream Lake Park Bridge.

Chief McKinley
Eagle Scout Candidate Michael Ihrig
Eagle Scout Candidate Adam Speck
Eagle Scout Candidate Connor Larson

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment Period:

The Public Comment Period is for City-related issues that may or may not be on today's Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

CONSENT (Action Item)

1. Authorize execution of the Sewer and Water Capacity Agreement for Carriage Hill subdivision.
2. Approve the serving of wine for a Wings & Wine event at the Museum of Apopkans.
3. Approval for Alcohol Sales at the Summer BBQ Showdown & Steak Cookoff.
4. Accept Notification of Application for the Edward Byrne Memorial Justice Assistance Grant Program.

BUSINESS (Action Item)

1. Acceptance of a Trails Grant and the required funding match for Kit Land Nelson Park.
2. Final Development Plan – Shoot Straight Warehouse Addition –1351 Tropicana Circle – Quasi-Judicial
3. Plat – First Street Retail Center Plat (aka Tractor Supply Site) –180 East 1st Street – Quasi-Judicial

Shakenya Jackson
David Moon
David Moon

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2582 – First Reading – Banning medical marijuana dispensing facilities - Legislative
2. Resolution No. 2017-15 - Wireless Facilities in the Public Rights-of-Way.

David Moon
Mayor Kilsheimer

CITY COUNCIL REPORTS

MAYOR'S REPORT

ADJOURNMENT

MEETINGS AND UPCOMING EVENTS

DATE	TIME	EVENT
August 19, 2017	9:00am – 12:00pm	PlayBall with MLB – Alonzo Williams Park
August 22, 2017	5:30pm –	Council Special Meeting – Errol Estates
August 28, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden
September 4, 2017	–	Labor Day – City Offices Closed
September 6, 2017	1:30pm –	City council Meeting
September 7, 2017	5:30pm – 9:00pm	Food Truck Round Up
September 8, 2017	7:00pm – 8:30pm	Movie at the Amphitheater – TBD – Northwest Recreation Complex
September 11, 2017	6:30pm –	CONA Meeting – UCF Apopka Business Incubator
September 12, 2017	5:30pm –	Planning Commission Meeting
September 13, 2017	5:01pm –	Budget First Reading & Public Hearing
September 19, 2017	6:00pm –	Code Enforcement Hearing
September 20, 2017	7:00pm –	Council Meeting
September 25, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden
September 27, 2017	5:01pm –	Budget Second Reading & Adoption

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

Backup material for agenda item:

1. City Council workshop meeting July 10, 2017.

CITY OF APOPKA

Minutes of a City Council Budget Workshop held on July 10, 2017, at 3:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Kyle Becker
Commissioner Doug Bankson
Glenn Irby, City Administrator
Pam Barclay, Finance Director

PRESS PRESENT: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice

CALL TO ORDER/PLEDGE OF ALLEGIANCE - Mayor Kilsheimer called the Budget Workshop to order at 3:00 p.m. and led in the Pledge of Allegiance.

BUSINESS

Mayor Kilsheimer advised this was the first budget workshop for Fiscal Year 2018. He said it was important for the operation of the city that all of the elected officials have a detailed knowledge of the budget to be able to answer questions within the community.

Pam Barclay, Finance Director, said we would be using a format that summarizes what each department is responsible for and their accomplishments through this year, goals, and initiatives for the upcoming year. They will be addressing where their budget is compared to last year. She said this should streamline the process. There will be an opportunity to ask each department head or division head any specific questions. She advised the budget is \$121 million, which is approximately \$17 million over last year's budget. The General Fund is down from last year at \$44.5 million, last year being \$49 million. The initial submissions by department heads for the budget was over \$60 million for the General Fund. This budget has been trimmed down and Council is being presented a balanced budget. She affirmed the revenues have not increased substantially from last year. The millage rate was presented with maintaining the current millage. She advised that the proposed budget did eliminate all additional personnel requests and cut all capital with the exception of the construction of Fire Station 5.

Glenn Irby, City Administrator, said he has been putting budgets together like this for 20 years. He stated he noticed this year the budgets were not extravagant. He said we have machinery and vehicles that are wearing out because they are so old. Some police cars have over 100,000 miles. He stated this was the first time in his career that he faced all of his directors and had to tell them he could not give them any of these requests. He stated this was not sustainable and cannot continue the way it is.

In response to Mayor Kilsheimer, Ms. Barclay advised the reserves was 21.6%, the same as last year.

Mayor Kilsheimer said we have an austerity budget for the year. We will complete the projects we are committed to, such as Fire Station 5 with staffing and equipment. He stated they would hear Chief Carnesale ask for a Fire Station 6 and Florida Hospital is providing the basic infrastructure to host a Fire Station 6, but this balanced budget cannot pay for that.

Commissioner Becker said with that in mind it is good to ask, what if? If we do need to look at reserves, if we need to look at debt service, and what makes sense. He stated the generally accepted practice for reserves is two months of expense or 16.7% of expenditures. He said when we look at that, we are truly saying operating expenditures. He pointed out if you take out the \$742,000 capital outlay, you are closer to 23% reserved ratio. He stated if we take reserves down to 19.7% that frees up \$1.3 million that could potentially be used for this budget. He affirmed that he was not saying we should do that but the potential is there. He inquired if the revenues of the Marshall Lake property was reflected in these numbers.

Mr. Irby advised it was not, as the city does not have those funds at this time. Ms. Barclay also reminded it had been determined those funds were not being added to the General Fund.

Commissioner Bankson said he recently completed the Advanced Institute for Elected Municipal Officials (IEMO) class and said what they taught in this class supports having a higher reserve. He stated he was going to put this information together to provide to Council. He said once the City has that buffer, he will feel safe. If it goes down, there is a window to build it back up.

Commissioner Velazquez pointed out that Apopka has been behind by not having the impact fees in the past that were recently approved.

Ms. Barclay pointed out that reserves and cash flow are two different things. She advised there was over \$50 million in the bank for cash flow. However, with the reserves, if you are looking at only the amount that can be spent for certain items, that is where we are constrained to the \$9 million.

In response to Commissioner Dean inquiring why the attorney fees were almost double this year, Mr. Irby advised the legal fees actually went down overall between this current fiscal year and next fiscal year. The reason why the City Attorney fees in particular went up is because of all the items going through Community Development at this time. He advised there is revenue to offset that from the pass through collection from developers.

MAYOR'S OFFICE

The Mayor's office budget was reviewed and discussed.

Commissioner Bankson inquired as to the reason for the bottom line being affected, to which Ms. Barclay explained the OPEB (Other Post Employment Benefit) is included in the bottom line, but

it is not something that is in the budget. This is foreseeing a liability the City will eventually have to pay when employees retire.

In response to Mayor Kilsheimer inquiring if line item 1200 reflects the pensions we are paying to Commissioner Arrowsmith and Commissioner Williams, Ms. Barclay responded in the affirmative, and added this was included in several departments.

Mayor Kilsheimer requested this number be reported on a separate line.

Discussion ensued regarding the growth of the budget in terms of the growth of the city. Mayor Kilsheimer pointed out the dramatic increase of the budget relates to the wastewater plant that comes on board in September. He said under the Water Utility Fund, there have been twenty employees added due to going to a 24 hour operation at the wastewater plant. The General Fund budget has a 9.7% decrease.

Ms. Barclay said the Mayor's office shows an overall decrease of 1% and operating decreased 11%.

LEGAL SERVICES

The Legal Services budget was reviewed and discussed. Discussion was held regarding specialized legal representation.

ADMINISTRATIVE SERVICES

Administrative Services budget was reviewed and discussed.

Mr. Irby advised there was an overall decrease for the department of 46.2%. Operating expenses decreased by 78%. He pointed out the Community Outreach has been shifted. It previously included Event, PIO, and Grants. Administration has absorbed Grants and PIO. Events has been moved to Recreation. Other adjustments for FY 2018 shows a decrease of \$42,000 in lobbyist fees due to going with Gray Robinson. There is an increase for Apopka Youth Works of \$10,000.

CITY CLERK

The City Clerk's proposed budget was reviewed and discussed. Ms. Goff stated the Lien Searches have increased and this office coordinates approximately 450 to 500 searches per quarter at \$35 per search. It was decided to research what other cities charge in lien search fees and determine if we need to amend our fee. Ms. Goff pointed out the increase in the City Clerk's budget 3400 line is due to the election in 2018. We have budgeted additional funds for two polling places. The Supervisor of Elections has asked the Clerks to inquire if the municipalities wanted to pay for absentee ballot return postage. It was determined that Apopka would continue to have the voter pay the returned postage. Ms. Goff said at the last Council meeting it was suggested that we advertise Bids in multiple newspapers. If we are going to have additional legal advertising, line item 4902 will need to be increased. She advised we currently advertise bids in the Orlando Sentinel which is the regional newspaper for Central Florida. Bids are also put on Demand Star and the City's website. The other option would be to leave as is and do a budget amendment if we do additional advertising.

Ms. Barclay recommended if this comes to fruition, that we do a budget amendment if additional funding is needed.

FINANCIAL SERVICES

Financial Services was reviewed and discussed.

Ms. Barclay said the Finance Services overall budget increased by 2%. Operating expense increased approximately 2%. She advised there is a new requirement for GASB 75 wherein we will be required to do an actuarial study for pensions. Increase in audit services of \$2,000, and Merchant Service fees increased \$3,000. Finance handles purchasing, all bids, payroll, accounts payable and the regular accounting. She oversees utility billing, but this is covered by the Utility 401 Funds budget. This past year they implemented the new financial system and the city successfully converted to a new bank. Both awards were received for the CAFR and the Budget last year. She has a goal to promote P-card usage this year.

In response to Commissioner Bankson, Ms. Barclay advised employee raises are merit based upon evaluations.

Mayor Kilsheimer advised there were a number of employees that have maxed out for their salary scale and are no longer eligible to receive raises. Ms. Thornton advised the last salary survey was approximately 15 years ago. At the time cost of living increases were being given, the scale would be adjusted. The scale has not been adjusted for approximately 5 years. Ms. Thornton advised there is an RFP posted for a salary survey in the current year budget.

HUMAN RESOURCES

The Human Resources budget was reviewed and discussed.

Ms. Thornton expressed concern in making sure they can get all the driver's license checks done that supports our ISO rating and it also supports in the liability insurance. She requested an additional \$5,000 in line item 3400 for this purpose. She advised they have a new copier and the badge/access card system in their office. IT had been carrying the copier and badge/access card upkeep. This would be an additional \$5,000 in the 5200 account. She discussed the deductibles and concern of going over the \$700,000 allowed, stating she had requested \$900,000. This is for liability, and workers comp deductibles.

Mayor Kilsheimer read into the record from the summary sheet regarding Human Resources/Risk Management being understaffed. The general ratio of employees to human resource support is 100/1 and they are carrying 219.5/1, not counting part-time, seasonal, or standby employees. One person is dedicated to all risk processes, which includes supporting 439 employees. They have requested two clerks, one for each area of responsibility. He stated given the current revenue, this is something deemed the city cannot afford. He declared this was a dramatic need for this organization.

Ms. Thornton said this has become a very hard burden to bear and it is only going to increase in their office. She stated the request for two clerks was relatively minor.

The consensus was to add \$200,000 for claims deductibles, \$5,000 for copier and badge access, and \$5,000 for driver license checks, as well as two clerk positions at \$43,875 each (salary and benefits).

Ms. Barclay said she would start a list on items being added back in the budget and Council can then decide if they are going to pull from reserves, increase the millage rate, or go out for a loan.

Council recessed at 4:42 p.m. and reconvened at 4:50 p.m.

INFORMATION TECHNOLOGY

Information Technology was reviewed and discussed.

Mr. Hippler said their overall operating expenses are up only 4% from last year. He advised there will be some cost savings from software we are no longer using. The Fire-cad is taking over a mapping software which was a large financial impact each year. Some of the costs are attributed to software support from Edmunds. Capital expenditures are down 11% from last year on the requests, but with the adjustments to balance, they lost everything in that particular line. He said some of the goals they were looking forward to was the Council Chamber audio/visual update. The existing system was initially purchased in 2005. There was a projector upgrade in 2012. Part of this request was for streaming so to have the ability to place meetings on Apopka Television as well as the website.

Ms. Barclay pointed out that there has always been a position for a supervisor in Information Technology. This position was failed to be included for the current fiscal year budget. The position was never filled when Mr. Hippler was promoted to IT Director. The number of positions should be 7 so to include this position.

Mr. Hippler said the Clerk's office was using one of the last two IMS applications for the cemetery. Building permits are set to go live in August or September. The cemetery software through CIMS we looked at last year was coming in around \$15,000 to \$18,000 for the initial implementation. He said that would be one of the most needed software pieces. He also spoke of the switches throughout, stating some are ten plus years, the most critical being communication, city hall annex, and administration at recreation.

Commissioner Becker inquired if we are able to get completely off of IMS, would the \$13,000 in IMS potentially go away and be replaced by \$18,000 for the new cemetery system, which would be a net impact of \$5,000.

Mr. Hippler responded in the affirmative.

Discussion ensued regarding the possibility of having the entire city under one cellular company.

Discussion ensued regarding the two databases utilized: Contentverse and Laserfiche. Mr. Hippler advised Contentverse has zero value with regards to the ability to search. The option of Laserfiche has the ability to search documents. We would need to purchase additional licenses

if converting over to Laserfiche.

Discussion was held regarding Council Chambers Audio/Video Equipment for the purpose of streaming. It was pointed out the presentations on the screen are hard to see at times. It was suggested that the audio/visual be done in phases.

It was the consensus to add in the \$18,000 for Cemetery Software, potentially getting off IMS. It was the consensus to take the approach of phasing in for the Council Chambers Audio/Video Equipment.

ADJOURNMENT - There being no further discussion, the workshop adjourned at 5:49 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST;

Linda F. Goff, City Clerk

Backup material for agenda item:

2. City Council workshop meeting July 12, 2017.

CITY OF APOPKA

Minutes of a City Council Budget Workshop held on July 12, 2017, at 3:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Kyle Becker
Commissioner Doug Bankson
Glenn Irby, City Administrator
Pam Barclay, Finance Director

PRESS PRESENT: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice

CALL TO ORDER/PLEDGE OF ALLEGIANCE - Mayor Kilsheimer called the Budget Workshop to order at 3:00 p.m. and led in the Pledge of Allegiance.

BUSINESS

COMMUNITY DEVELOPMENT

The budget for Community Development was reviewed and discussed.

Jim Hitt, Community Development Director, reviewed the summary sheet for Planning, Zoning, Building, and Engineering Divisions. He will also cover the CRA. Accomplishments include the initiation of a re-write of the Land Development Code (LDC) for completion in 2018. Two major items that were completed are the mixed-use DRI/Kelly Park Interchange zoning district and the associated Form-Based Code. The CRA Redevelopment Plan Update for 2017 was completed. The Fifth Street Parking Lot Agreement to purchase by the CRA is being completed and budget approved. The redevelopment of this is in the 2018 budget. He advised they have hired a new City Engineer. He stated the permits are up, they had 5,394 permits in 2017, which is a 12% increase. Inspections are at 15,465, which is a 10.5% increase. He said the inspections are done by three employees. Goals included: maintain compliance with current codes and ordinances as provided by City Council; process the development and redevelopment plans in a reasonable manner for the type of review and process required; continue to provide excellent services and up to date information to the public; complete accurate impact fee and engineering related items for private and public projects, initiate a new CRA Plan and associated projects in accordance with the available funding levels; initiate a new economic development website for the City of Apopka and include statistical information and portals for Realtors with properties to develop; complete the redevelopment of the Fifth Street parking lot; the Station Street project will be part of the 2018 budget; City Center project plan processing and initial construction phases, design and construction of the Sixth Street promenade; phase one from Central to Forest and phase two from Forest to City Center, and initiate the design and construction of the Lake Apopka Research Center (LARC), innovation district.

Mr. Hitt said they had 18 positions funded and explained they made a minor change from a Planner II to an entry level Senior Planner. He advised they have finished their new business checklist and this is on the City's website. They are working on updating forms.

Building Division

Mr. Hitt advised the Building portion of the budget is approximately \$7,800 less. The Building Division has one building official and he does all plans review. They have three inspectors, and three permit clerks/technicians.

Planning Division

Mr. Hitt advised he had requested a Senior Planner, Planning Assistant, and a Plans Processing Coordinator. He stated out of those positions, since he is reclassifying the Planner II position to a Senior Planner, if he can get at least one more Planner, this would suffice for one year. He advised with regards to the Economic Development position, he will need to re-advertise.

Mayor Kilsheimer said since it is a struggle to fill the Economic Development positions, would it be a higher priority to reclassify this existing position to a Senior Planner position. Mr. Hitt said he felt this could work, as he can handle the CRA.

Discussion was held regarding various studies. Mr. Hitt advised the update for the LDC is professional services and we have to do that as part of the Clarion contract. The only other part there is the East Shore Activity Hub Master Plan which is the ecotourism and vital to keep a long term revenue stream.

In response to Commissioner Dean questioning the training, Mr. Hitt advised these were necessary for accreditation and/or certification. He stated this was budgeted at the very minimal level.

Requested positions were discussed. Mr. Hitt said he had requested a Plans Examiner, two Inspectors, two Permit Clerks, and Secretary. He said the least he would like to see approved is a Plans Examiner, one Inspector, and one Permit Clerk. He pointed out their processed permits were up 11% from the prior year. Inspections are up 10.5%.

Mr. Irby advised the revenues being generated, extrapolated through September 30, 2017, brings in a total of \$10,723,763, but the only amount of this that is segregated for the General Fund is \$2,436,918, stating the rest are impact fees.

It was the consensus to reclassify the Economic Development position to a Senior Planner or Planner II.

Council recessed at 4:18 p.m. and reconvened at 4:24 p.m.

COMMUNITY REDEVELOPMENT AGENCY (CRA)

Mr. Hitt advised in June the City Council approved adding funds to the Fifth Street Parking Lot purchase and design funding for the Station Street project and CRA programs. He advised they are looking at utilizing \$1.9 million to get the downtown area going. He advised approximately

\$50,000 of this will go towards wayfinding signage, or directional signs.

Mayor Kilsheimer said the Museum needed to be included in the wayfinding signage.

Mr. Hitt said the original CRA Plan was done in 1993 and he advised there were ways to improve a CRA Plan. It does not have to be adopted on both slum and blight, stating our plan was adopted on blight. He said to address affordable housing, one of the things we did was the impact fee assistance program. Another item in our plan is items to make a neighborhood friendly in regards to streetscape, sidewalks, and infrastructure. He said the city's CRA plan was working towards helping affordable housing with the projects and programs outlined in the CRA Plan. He declared that the city has a good CRA Plan and a lot of good projects included.

RECREATION

The Recreation Department's budget was reviewed and discussed.

Athletic Complexes

Lorena Potter, Acting Recreation Director, said the Athletic Complexes included the Grounds Division that takes care of the NW Complex and also some of the grounds at AAC and Alonzo Williams Park. She said some of the parks are taken care of by Public Services and some are under Recreation. This division does all of the field prep for tournaments, Little League, Recreation Soccer, and they help maintain AAC as well as Alonzo Williams Park. She said the three divisions work together and look for ways within their budget to improve the three complexes. She stated they have been having some turf issues and they are working with the University of Florida, Tom McCubbin, and TruGreen. They are looking at different ways to maintain the turf in an economically feasible manner. She advised there is an overall decrease of 12% for this division. She advised they have requested to increase the part-time staff wages to \$10.00/hour. She reviewed the accomplishments and advised they have new equipment through a lease program which has helped. New batting cages were built in-house and improvements were made to the bullpens.

Discussion was held regarding the use of the fields by the various groups and how difficult it is to rest the fields.

Recreation Athletics

The Recreation Athletics was reviewed and discussed. Ms. Potter advised the scoreboards are due to be completed by the end of July. The company is to obtain sponsorships through their marketing group. This division is the recreation aspect that does the athletic programming at the park. She advised we service a larger area than just Apopka. They just completed a youth basketball program and they hope to expand and continue this program. She advised they are working to utilize other fields throughout the city. She advised there was an overall increase in this budget of 4%. She was requesting a cashier/customer service clerk that was cut. She said it would be nice to have someone to answer the phones rather than to rely on the people that are doing the programming. It was suggested that they utilize voice mail. She advised there is a concession contract during Little League and Soccer and he pays 15% of sales to the city.

Recreation Programs

The Recreation Programs division was reviewed and discussed. Ms. Potter said this was for activities and events. The goals are to continue to provide quality programming and events to the citizens of Apopka. She advised Events was previously under Community Outreach and merged with Recreation Programs to explain the large increases for this budget year. This division does the summer camp for children, senior programs, community events such as Halloween in the park, Memorial Day, Winter Wonderland, Tree Lighting, and now they have incorporated the larger events such as Outdoor Festival, Symphony under the Stars, and Fourth of July. She stated they would like to increase activities at Alonzo Williams Park, Fran Carlton Center, Kit Land Nelson Park, and the NW Recreation Complex. She said the Splash Pad is to be completed around February 2018. Alonzo Williams rebuild is to be completed in 2018. She spoke of the additional items and staffing that will be required with the opening of the Splash Pad, as well as staffing requirements when Alonzo Williams Park is completed.

Ms. Potter said one item that is badly needed is a new golf cart with the second seat and the bed in the back. They also need a shade structure for the Lake Avenue Park Playground.

Discussion was held regarding the three large events, Old Florida Outdoor Festival (OFOF), Symphony under the Stars, and Fourth of July. Ms. Potter recommended the OFOF be a one day event, starting later in the day, then the concert that evening.

Mayor Kilsheimer said he would like to see the City hold three major events, February Concert to coincide with the OFOF, Symphony under the Stars, and Fourth of July.

Commissioner Bankson suggested moving these events to a premiere sponsorship to take over the events.

Mayor Kilsheimer said this year it was too late to move in that direction,

It was the consensus to add a Splash Pad Attendant back in the budget. Lorena was asked to research a used golf cart and see if she can work it into her current budget year.

ADJOURNMENT - There being no further discussion, the workshop adjourned at 5:49 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST;

Linda F. Goff, City Clerk

Backup material for agenda item:

3. City Council special meeting July 20, 2017.

CITY OF APOPKA

Minutes of a City Council Special meeting held on July 20, 2017, immediately following the Budget Workshop, in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Kyle Becker
Commissioner Doug Bankson
Glenn Irby, City Administrator
Pam Barclay, Finance Director

PRESS PRESENT: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice

CALL TO ORDER - Mayor Kilsheimer called the Special Council meeting to order at 7:18 p.m.

SPECIAL REPORTS AND PUBLIC HEARINGS

Mayor Kilsheimer said in accordance with the truth in millage requirements, the City must set the proposed millage rate and advise the property appraiser of the proposed millage rate, roll back rate, date, time, and place of the tentative budget hearing. The proposed millage rate is 3.7876, unchanged from last year. The roll back millage rate is 3.4093. The tentative budget hearing is scheduled for Wednesday, September 13, 2017 at 5:01 p.m. in the Council Chambers.

Mayor Kilsheimer opened the meeting to public comment.

Linda Laurendeau said she believed public safety was the absolute highest and most important thing we do. She stated both of our public safety agencies work on a shoestring. She said as a former firefighter and EMT in Texas, she knows what it is to work on a shoestring, and what it is to adhere to a sign that stated "*We have done so much with so little for so long that we can now do almost anything with nothing.*" She declared this is what these agencies do, and as a member of the Citizen Police Alumni, she sees the cars used on the streets by these agencies. She said she firmly believes that anything public safety wants they should have, and then eviscerate everything else. She stated the temporary facility at the Hospital was imperative. She said the ISO-1 rating should never be an issue. She stated we were the 5th city in the State and the 49th in the United States to obtain the ISO-1 rating.

Suzanne Kidd said this was the third year in a row she sat through every budget workshop and watched Council struggle to try and figure out how to do more with less while the growth of this City rapidly continues. She stated she looks at the cities such as Winter Garden and Ocoee that we are competing with directly. She said there was an area on Plant Street by 429 that was being cleared to create a new industrial center that will serve those two cities. She said for the last ten

to fifteen years Ocoee and Winter Garden have been leaving us in the dust. Winter Garden has kept a millage rate of 4.25% since 2011. They have close to the same population as Apopka, and she declared this millage has given them an advantage. When people compare Apopka to the services and amenities of Winter Garden, they have a valid point. She stated Council went into debt financing and reserves today, but what they didn't touch was millage. She said last year she mentioned the median home taxable value in Apopka was about \$160,000. She stated taking into account there was an 8% increase in property values in Orange County this year, that figure may now be at \$173,000 as the median point. The amount of tax based on the \$160,000 last year was approximately \$606 in taxes. If we had increased our millage rate by three tenths of a mill this year, the increase to a property owner would be about \$101 per year (\$8.40 per month). She declared people spend money on a lot of things and the very small amount extra that would have given the City so many more of the needs by the various departments is lacking because of that one extra step not being taken. She understands Council has a hard job in this, but they are the ones elected to make these difficult decisions. She affirmed she was disappointed they did not take that one extra step to set us up for success. She thanked Council for what they did and how hard they do work.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to set the tentative millage rate at 3.7876.

Commissioner Becker said we have a salary study coming that will likely increase operating expense across every division within the City, and there are non-safety capital needs that are in dire need. He stated he can agree an increase in millage would be a valuable tool and getting the reserve balance to a place where they can then defend it long term. He said with the homestead exemption possibly coming next year, he was not opposed to an increase and would consider this in the next budget season.

Commissioner Bankson said he was disappointed we were not setting a standard for where we need to get to and not taking those discussions of how they can get there. He stated this was an unsustainable path.

Mayor Kilsheimer said Commissioner Bankson brought something to the table that the community deserves to discuss, but they were just not there yet as a community to be able to afford what he wants to do.

Motion carried 4/1 with Mayor Kilsheimer, and Commissioners Dean, Velazquez and Becker voting aye, and Commissioner Bankson voting nay.

ADJOURNMENT - There being no further business, the meeting adjourned at 7:34 p.m.

ATTEST;

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk

Backup material for agenda item:

4. City Council regular meeting August 2, 2017.

CITY OF APOPKA

Minutes of the City Council regular meeting held on August 2, 2017, at 1:30 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: Teresa Sargeant - The Apopka Chief
Steve Hudak, Orlando Sentinel
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Pastor Darrell Morgan of Word of Life Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on July 30, 1964, the Apopka City Council held a special meeting to discuss the purchase of the Apopka Elementary School property for a new City Hall. Mayor Land proposed to renovate the red building for use as the new City Hall and utilize the gymnasium for community clubs and functions. The Council voted unanimously to proceed with the purchase of this property. The red building was renovated and is still in use today as our City Hall, and the gymnasium was later renovated to expand City Hall office space, and include the construction of our current Council Chambers. He asked everyone to pay homage to the history of our City Hall and its role in the former site of the Apopka Elementary School as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

- 1. City Council workshop meeting June 1, 2017.**
- 2. City Council meeting July 5, 2017.**
- 3. City Council meeting July 19, 2017.**

Commissioner Bankson made note of a correction to the July 19, 2017 minutes to change “Mayor” to “Commissioner” Bankson on page four.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker to approve City Council minutes of June 1, 2017, July 5, 2017, and July 19, 2017 with correction as noted. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: There were no changes.

Presentations:

1. Chief Carnesale introduced the nineteen new Firefighters for Fire Station No. 5. He said the hiring process began in March with more than 300 applicants who went through a written test, physical

agility test and from these tests the number was narrowed to 72 applicants that were interviewed. This group started orientation and training five weeks ago at the Gilliam Training Center. He stated they graduate this Friday evening at the Apopka Community Center. Each firefighter stood as they were introduced: Ryan Bennett, Rommel Bennett, Hector Cartagena, Trelycia Darlington, Stephen DeMatties, Zachary Fertic, Riley Fertic, Jon Force, Tremonte Flowers, Donald Lampp, Jennifer Raulerson, Luis Rivera, Jack Timmes, Giovanni Ruiz, Brian Sharbono, Ross Shiffrin, Brittany Smothers, Nick Stucker, and Tyler Whitaker,

Mayor Kilsheimer welcomed all the new hires and said he has had an opportunity to speak with this group. They were attracted to Apopka by the family atmosphere, potential, and the high standards our Fire Department has with the ISO-1 rating.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Ray Shackelford congratulated the new firefighters. He said Commissioner Bankson gave an outstanding presentation at the last Council meeting for a 25% reserve fund balance in five years. He asked Council to consider a five year plan for a 25% reserve fund balance. He also commended City Council for moving forward on the Splash Pad. He stated he appreciated the Council member's commitment and sacrifices to serve the people of Apopka.

CONSENT (Action Item)

1. Approve the purchase of seven Motorola portable radios for the Police Department.
2. Approve the purchase of a digital evidence management software suite for use in the Police Departments Forensics Unit.

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

BUSINESS

1. Further evaluation of a Splash Pad RFP submittal and waiver of a non-material irregularity.

Glenn Irby, City Administrator, said this was the second attempt to obtain bids for a design build for a Splash Pad in Kit Land Nelson Park. The first attempt earlier in the year received no bids and this time there were two bids received from Ryan Fitzgerald Construction, and AccuTech Construction. He advised the total budget for this project is \$750,000 which incorporates the Splash Pad, Restroom Facility, and payment to the Splash Pad design engineer. He stated both of the products these companies designed and submitted are well over our budget. He said the request to Council was to waive a non-material irregularity, stating one of the companies was four minutes late submitting their bid, and secondly to direct and allow staff to further evaluate AccuTech Construction's proposal and come up with a final design within the budget. He stated this will be brought back to Council for final approval.

Commissioner Bankson said he would be abstaining since his brother works for AccuTech Construction.

Discussion ensued regarding the total budget for this project.

Mr. Irby explained that \$750,000 was the total amount for the project, and stated \$112,910 was for the restroom facility, and \$24,000 was payment to the Splash Pad Engineer, leaving \$613,000 for the Splash Pad Design/Build and Amenities.

Commissioner Becker inquired if either of the companies have previously designed/built splash pads and will the City get a good product by compromising some of the features to bring the project into budget.

Gary Kreisler, AccuTech Construction, said from the research he has done and what he has seen from the industry partners, neither of the general contractors who are the prime on both of these have done a splash pad. He stated both companies are experienced and from Apopka. He stated AccuTech Construction went very deep in selecting their partners to make sure each one of the providers that will be doing the actual work of installing the splash pad have an extreme long history and experience of providing splash pads and working together. He said they feel extremely well qualified and are excited to have attracted the best partners to work with. He stated in relation to the price, they were very transparent in what they put in and their proposal showed all the different features and their price reflected that. They knew they were above budget, but wanted to show the City they had options with the ability to leave items out. The City will have the ability to add features as their budget allows. He advised they utilize as many local providers/workers as possible.

Ryan Fitzgerald, Ryan Fitzgerald Construction, said he and his wife were graduates of Apopka High School and his children graduated from Apopka High School. He stated he does a lot of work for University of Florida. He advised their company is handling all of the MREC work out of Apopka all over the United States, including Puerto Rico. In the last year they have done approximately \$1.5 million in playground installations. He said he also received proposals from a couple of the same companies on the splash pad, but he didn't present them as they were over \$130,000 more expensive. He stated this was the widest open written RFP that he has ever participated in. The manufacturer he provided was the least expensive. He said he could provide a very different vehicle to spray water with \$130,000 budget to do so. He reiterated his presentation was very much a discounted presentation. He said not to have the chance to present his side, and none of his providers have been contacted, he did not see how a motion could be made. He declared in all the projects he had bid on, he has never seen one allowed after it was four minutes late. He stated he has never put in an actual spray pad, but he has put in tennis courts, racquetball courts, swings, and he could hire the same company to do the same installation.

Mr. Irby said the City put out an RFP, had two companies respond, and the evaluation committee went by what they responded and made their selection as a group.

Mayor Kilsheimer said staff has presented Council with their recommendation, and he would give staff credit for trying to find the best deal for the City and move this project forward.

Commissioner Becker said when you are doing a comparison like this, you are comparing one company to the other for the purposes of what is in front of you. He asked Mr. Irby if he could address where this was picked up on with AccuTech versus Fitzgerald.

Mr. Irby said it was basically on the presentation. He stated they do have the ability as a group to ask them one on one to come in and make presentations. They did not feel it was necessary this time and the selection was made solely based on what was presented in the packet.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, based on staff recommendation, to approve a waiver of an irregularity of late submittal of AccuTech Construction, Inc. and approve staff to further evaluate their proposal. Motion carried 4-0-1 with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Becker voting aye. Commissioner Bankson abstained stating his brother worked for the company.

2. Approval of the second Mayor Land Statue and final payment to the artist.

Glenn Irby, City Administrator, said the standing statue of Mayor Land for the front of City Hall should be here any day. Two statues were commissioned to be completed by the foundry. The second statue is of a sitting statue for Kit Land Nelson Park. The Land Family has signed a document approving the design. The recommendation is for Council to approve sending the second cast to the foundry and authorize final payment to the artist.

Peter Pasha, Artist, said Ms. Betty Land visited the studio a couple of weeks ago and noticed wedding rings on the hand of the statue of Mayor Land. Catherine Land-Waters had not seen the statue and she and Ms. Betty Land came to the studio for her to see the statue, bringing Mr. Eric Hooper, a personal friend of Mayor Land's with them. Mr. Pasha said the first thing Mr. Hooper said was "Well there he is, you got him." Mr. Pasha thanked the Mayor and Commissioners for coming by to see the statue.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve placement of the second Mayor Land statue and final payment to the artist. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Final Development Plan/Plat – Carriage Hill Residential Subdivision – 2303 Rogers Road.

Mayor Kilsheimer announced this was a quasi-judicial hearing. The witnesses were sworn in by the clerk.

David Moon, Planning Manager, said the request was to approve the Final Development Plan and Plat for the Carriage Hill Residential Subdivision. The project is located on the north side of Rogers Road, abutting the current Lester Ridge residential community. City Council approved the Preliminary Development Plan on December 13, 2016, and the Planning Commission reviewed the Plat on July 25, 2017, recommending approval. DRC recommends approval. The project includes 72 single-family lots and is consistent with the Land Development Code.

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 the Final Development Plan/Plat for Carriage Hill Residential Subdivision. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS (Action Item)

1. **Resolution No. 2017-12 – Approval of the Orange County Local Mitigation Strategy 2016.**
The City Clerk read the title as follows:

RESOLUTION NO. 2017-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ACCEPTING AND APPROVING THE DESIGNATED PORTION OF THE ORANGE COUNTY LOCAL MITIGATION STRATEGY.

Sean Wylam, Assistant Fire Chief, Training, said the City of Apopka has the potential to be threatened by natural and manmade disasters. He advised a group of agencies, including representatives from the City of Apopka, joined together to establish a Local Mitigation Strategy workgroup. On February 1, 2017, the Orange County Board of Commissioners adopted the updated Local Mitigation Strategy, which is being presented. This allows the City to proceed forward post-disaster for different mitigation projects and seek funding.

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 Resolution No. 2017-12. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Resolution No. 2017-13 - Issuance and execution of a \$2,400,000 Capital Improvement Revenue Note.** The City Clerk read the title as follows:

RESOLUTION NO. 2017-13

A RESOLUTION OF THE CITY OF APOPKA, FLORIDA ACCEPTING THE PROPOSAL OF ZB, N.A. TO PURCHASE THE CITY'S \$2,400,000 CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2017, TO FINANCE THE CITY'S COST OF ACQUIRING VEHICLES AND ASSOCIATED EQUIPMENT ALL FOR CITY PURPOSES; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH SAID BANK TO SECURE THE REPAYMENT OF THE 2017 NOTE; PROVIDING FOR THE PAYMENT OF THE 2017 NOTE FROM THE CITY'S COVENANT TO BUDGET AND APPROPRIATE NON AD VALOREM REVENUES, ALL AS PROVIDED IN THE LOAN AGREEMENT; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ANY OTHER ADDITIONAL THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE EXECUTION OF THE LOAN AGREEMENT, THE 2017 NOTE, AND THE SECURITY THEREFORE; DESIGNATING THE 2017 NOTE AS "BANK QUALIFIED"; AUTHORIZING THE EXECUTION AND DELIVERY OF

**OTHER DOCUMENTS IN CONNECTION WITH THE 2017 NOTE;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

Pam Barclay, Director of Finance, said this resolution was for the issuance and execution of a five year capital revenue note in the amount of \$2.4 million. She advised in June our Finance Advisor sent out an RFP to solicit bids and quotes from banks to offer the best interest rate on a three year or five year note. We received eleven responses and the Financial Advisor has ranked these. His recommendation is to accept Zion Bank's proposal of 1.87% for a five year note.

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 Bankson, to approve Resolution No. 2017-13. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. **Resolution No. 2017-14 - Purchasing Policy Update.** The City Clerk read the title as follows:

RESOLUTION NO. 2017-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA,
FLORIDA, AMENDING CITY ADMINISTRATIVE POLICIES FOR
PROCUREMENT; AND PROVIDING AN EFFECTIVE DATE.**

Cliff Shepard, City Attorney, said we earlier discussed the splash pad issue. One of the unique factors that came into play is that we had had a first compliant RFP under the Competitive Consultants Negotiation Act (CCNA) and received no responses. The second RFP only received two responses. Under the CCNA it calls for, in a design build or a regular RFP that you would select and then begin discussions about ranking and negotiation with a minimum of three, but it does not address what to do if you cannot get three responses. This issue came up and he inquired what other cities had done and found that they placed language in their purchasing policies that when you cannot get three proposals, pursuant to making your best efforts, that you would be able to proceed with the best of those received. He explained that this policy is retroactive so to go back to the time prior to these bids being received, but before any negotiations will take place.

In response to Commissioner Becker inquiring if the level of scrutiny falls on Council, City Attorney Shepard responded in the affirmative.

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 Resolution No. 2017-14. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS – There were no reports.

MAYOR'S REPORT – Mayor Kilsheimer said there has been discussion at the Council level a number of times on the Apopka Begins and Ends with A program. It had been said, one of the ways the program would be measured was how much resources were actually brought into the community as a result of the program. He stated he was pleased to announce being notified on Tuesday evening that Phillis Wheatley Elementary School and Zellwood Elementary School have been awarded a 21st Century Grant. Combined, the award of this 21st Century Grant will result in \$780,000 being spent at these two schools over the next three years. He declared it is a direct result of the opportunities that arose during the discussions at the Community Action Team meetings at these two schools. Both Phillis Wheatley and Zellwood, at the time of the application were “D” schools. Zellwood has come up to a “C” school. These are grant funds awarded by the State Department of Education using Federal Funds to invest money in schools where additional opportunities are needed for tutoring and after school programs.

Commissioner Dean said he was glad this grant was awarded, but stated the City does not have money to help support Apopka Begins and Ends with A.

NOT REQUIRING ACTION

1. Thank you letter from a resident to the Public Services, Water Treatment & Maintenance Divisions.
2. Thank you letter from a resident to the Public Services, Utility Division.
3. Thank you email from a resident to the Utility Billing division within the Finance Department.

ADJOURNMENT – There being no further business the meeting adjourned at 2:45 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

Backup material for agenda item:

1. Authorize execution of the Sewer and Water Capacity Agreement for Carriage Hill subdivision.



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: August 16, 2017
 FROM: Community Development
 EXHIBITS: Vicinity Map
 Agreement

SUBJECT: CARRIAGE HILL (72 LOTS)

REQUEST: AUTHORIZE THE MAYOR OR HIS DESIGNEE TO EXECUTE A SEWER AND WATER CAPACITY AGREEMENT FOR CARRIAGE HILL (72 LOTS)

SUMMARY:

The City’s standard Sewer and Water Capacity Agreement has been prepared for Carriage Hill, located 2303 Rogers Road (east of Rogers Road and north of Lester Road).

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Authorize the Mayor or his designee to execute the Sewer and Water Capacity Agreement for Carriage Hill.

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



CARRIAGE HILL
JTD Land at Rogers Rd., LLC
Parcel ID No's: 29-20-28-0000-00-004 & 29-20-28-0000-00-026
Total Acres: 30.58 +/-

VICINITY MAP



SEWER AND WATER CAPACITY AGREEMENT
CARRIAGE HILL (72 LOTS)

THIS AGREEMENT, made as of this ____ day of _____, 20__, by and between the City of Apopka, Florida, a municipal corporation, hereinafter sometimes referred to as "City" or "Utility" or both; and JTD Land at Rogers Road LLC, sometimes hereinafter referred to as "Owner" or "Developer" or both.

WHEREAS, in the City of Apopka Comprehensive Plan it has been established that land development shall not be permitted unless adequate capital facilities exist or are assured; and

WHEREAS, in the City of Apopka Comprehensive Plan the policy has been established that land development shall bear a proportionate cost of the provision of the new or expanded capital facilities required by such development; and

WHEREAS, the City of Apopka Comprehensive Plan established that the imposition of impact fees and dedication requirements are the preferred methods of regulating land development in order to ensure that it bears a proportionate share of the cost of capital facilities necessary to accommodate the development and to promote and protect the public health, safety and welfare; and

WHEREAS, the City Council of the City of Apopka has determined that the City of Apopka must expand its water and sewer systems in order to maintain current water and sewer standards if new development is to be accommodated without decreasing current standards; and

WHEREAS, the City Council of the City of Apopka enacted an Ordinance providing for Water and Sewer Capital Facilities Fees and Tap Fees; and

WHEREAS, Developer owns or controls lands located in City of Apopka or Orange

County, Florida, and described in **Exhibit "A"** attached hereto and made a part hereof as if fully set out in this paragraph and hereinafter referred to as the "Property," and Developer intends to develop the Property by erecting thereon, individually metered units, general service units, or combination of these; and

WHEREAS, Developer has officially requested that the Utility provide central water distribution and sewage collection service for Developer's property herein described in **Exhibit "A"**; and

WHEREAS, the Utility is willing to provide, in accordance with the provisions of this Agreement, Utility's main extension policy and the City's Code of Ordinances, central water and sewer services to the Property and thereafter operate applicable facilities so that the occupants of the improvements on the Property will receive an adequate water supply and sewage collection and disposal service from Utility; and

WHEREAS, Developer's project and the receipt of water and sewer service is contingent upon the construction and utilization of existing and contemplated water and sewer service facilities and the availability of capacity of those facilities; and

WHEREAS, the Developer is obligated to pay certain Capital Facilities Fees in conjunction with this commitment for capacity and does desire to execute a Service Agreement with the City.

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. Compliance.

The Owner agrees that both he and his successors and assigns will abide by the provisions of this Agreement and the relevant Ordinances of the City and that he will install or have installed the improvements required by the City in accordance with the

provisions of this Agreement and of said Ordinances. The Owner further understands and agrees that, in the development of the subject property, failure to abide by the terms of this Agreement, the provisions of the City's Ordinances, or any other applicable regulations, ordinances, or laws from time to time existing, shall constitute grounds for refusal by the City, or the appropriate authority thereof, to allow such development, to obtain building permits, to institute utility services, or to permit occupancy of completed improvements.

Section 2. Definitions.

A. "ERU (Water)" means Equivalent Residential Unit defined as having the average demand of 400 gallons per day, without reclaimed water available, and having the average demand of 300 gallons per day, with reclaimed water available.

B. "ERU (Sewer)" means Equivalent Residential Unit defined as having the average demand of 300 gallons per day.

C. "DEP" shall mean the Department of Environmental Protection of the State of Florida.

D. "Notice To Proceed" - A document executed by the Developer requesting specific water.

E. "Point of Delivery" - The point where the pipes or meter of the Utility are connected with the pipes of the consumer or Owner. Unless otherwise indicated, Point of Delivery shall be at the Owner's lot line.

F. "Property" - The area or parcel of land described in **Exhibit "A"** attached hereto.

G. "Service" - The readiness and ability on the part of the Utility to furnish and maintain water and sewer service to the point of delivery for each lot or tract pursuant to

applicable ordinances, laws, rules, regulations, permits and Utility policies.

Section 3. On-Site Installation.

To induce the Utility to provide the water treatment and sewage collection and disposal facilities, and to continuously provide Owner's Property with water and sewer services, unless otherwise provided for herein, Owner hereby covenants and agrees to construct and to transfer ownership and control to the Utility, as a contribution-in-aid-of-construction, the on-site water distribution and sewage collection systems located on Owner's Property. The term "on-site water distribution and sewer collection systems" means and includes all water distribution and supply mains, lines and pipes, and related facilities and sewage collection lines facilities and equipment, including pumping stations, constructed within the boundaries of Owner's Property adequate in size to serve each lot or unit within the property or as otherwise required by Utility. Owner shall install at its sole expense all of the aforesaid facilities within the Property in accordance with the plans, specifications and all other pertinent documents approved by the Utility. Developer will furnish Utility with three (3) copies of the plans and specifications for the water distribution system, sewage collection main lift stations and other facilities necessary to serve the property described in **Exhibit "A"**.

Developer shall obtain approval of plans and specifications from all necessary agencies. No construction shall commence until utility and appropriate regulatory agencies have approved such plans and specifications in writing. If construction commences prior to all such approvals and any other approvals required hereunder, Utility shall have no responsibility to accept such lines and facilities and Utility may elect to terminate this Agreement and/or not provide service to Developer until such time as

Developer obtains all such required approvals. When permits and approved plans are returned by appropriate regulatory agencies to Developer, Developer shall submit to Utility one copy of the water and/or sewer construction permit and approved plans. Developer shall also supply to the Utility a copy of the final estimate or payment covering all contract items and Release of Lien from Contractor(s).

After the approval of plans and specifications by Utility and appropriate regulatory agencies, Developer, or the engineer of record, shall set up a preconstruction conference with engineer of record, utility contractor, appropriate building official(s), all other utility companies involved in the development of the Property, and Utility, as may be appropriate.

Developer shall provide to Utility's representative forty-eight (48) hours written notice prior to commencement of construction and forty-eight (48) hours written notice prior to any inspections or tests being performed as described herein. "Notice" shall be complete when Utility actually receives same.

During the construction of the water distribution and sewage collection systems by Developer, Utility shall have the right to inspect such installations to determine compliance with the approved plans and specifications. The engineer of record shall also inspect construction to insure compliance with the approved plans and specifications. The engineer of record and utility contractor shall be present for all standard tests and inspections for pressure, exfiltration, line and grade, and all other normal engineering tests and inspections to determine that the systems have been installed in accordance with the approved plan and specifications, and good engineering practices.

Upon completion of construction, Developer's engineer of record shall submit to Utility a copy of the signed certification of completion submitted to the appropriate regulatory agencies. If certification is for the water distribution system, a copy of the bacteriological results and a sketch showing locations of all sample points shall be included. The engineer of record shall also submit to Utility paper copies of the as-built plans prepared signed and sealed by the engineer of record. Developer will provide Utility with two (2) copies of the approved paving and drainage plans. Developer will provide Utility with three (3) copies of the approved subdivision plat.

Section 4. Off-Site Installation.

The Developer will construct and install water mains, gravity sewer lines, lift station(s) and force main(s) from Developer's property to the Utility existing facilities in accordance with overall master plans of the utility system and in accordance with approved engineering plans and specifications. At all times prior to, during and upon completion of the construction of the extensions of water and sewer lines, Utility shall have the right to inspect and approve all construction plans and specifications, piping, connections, equipment, materials and construction work being provided or performed, or previously provided or performed, by or on behalf of the Developer. Such approval shall not be unreasonably withheld or delayed by Utility, and any costs of such inspections shall be borne by Utility. It shall be the Developer's responsibility to insure that all construction fully meets the plans and specifications approved by the Utility. The cost of inspections resulting from required corrective action shall be borne by the Developer. As conditions precedent to receiving water and sewer service, Developer shall:

- A. Provide Utility with three (3) copies of the approved subdivision plat.

B. Provide Utility with three (3) copies of the approved paving and drainage plans of the development.

C. Furnish Utility with three (3) copies of the plans, specifications and engineering cost estimate for the water distribution system, sewage collection system, lift station(s) and other facilities necessary to serve the property described in **Exhibit "A"**. Developer must receive approval from Utility of said plans, specifications and engineering cost estimate prior to proceeding with any construction of the facilities.

D. Obtain approval of the plans and specifications from all necessary governmental agencies, including, but not limited to, the Florida Department of Environmental Protection and the City of Apopka. No construction shall commence until Utility and appropriate regulatory agencies have approved such plans and specifications in writing. When permits and approved plans are returned by appropriate regulatory agencies to Developer, Developer shall submit to Utility one (1) copy of water and/or sewer construction permit and approved plans.

E. After the approval of plans and specifications by Utility and appropriate regulatory agencies, Developer, or the engineer of record shall set up a preconstruction conference with engineer of record, utility contractor, appropriate building official(s), all other utility companies involved in the development of the Property, and Utility, as may be appropriate.

Developer shall provide to Utility's representative forty-eight (48) hours written notice prior to commencement of construction and forty-eight (48) hours written notice prior to any inspections or tests being performed as described herein. "Notice" shall be complete when Utility actually received same.

During the construction of the water distribution and sewage collection systems by Developer, the Utility shall have the right to inspect such installations to determine compliance with the approved plans and specifications. The engineer of record shall also inspect construction to assure compliance with the approved plans and specifications. The engineer of record and utility contractor shall be present at all standard tests and inspections for pressure, exfiltration, line and grade, and all other normal engineering tests and inspections to determine that the systems have been installed in accordance with the approved plans and specifications, and good engineering practices.

F. Upon completion of construction, Developer's engineer of record shall submit to Utility a copy of the signed certifications of completion submitted to the appropriate regulatory agencies. If certification is for the water distribution system, a copy of the bacteriological results and a sketch showing locations of all sample points shall be included.

Developer's engineer shall deliver one (1) set of paper copies of "As-built" engineering plans, prepared signed and sealed by the professional engineer of record, showing the location of all water and sewer systems and services installed, and certification by the professional engineer of record to the Utility that such systems and services, as built, comply with the plans and specifications approved by the Utility.

Furnish proof satisfactory to the Utility that the installation of the facilities and all contractors, subcontractors, materialmen and laborers have been paid in full, and provide an engineer's certificate of total cost of improvements, i.e., by Release of Lien or other appropriate means.

G. As per this Agreement, Developer shall install, at its sole expense, all of the aforesaid facilities off-site, in accordance with the plans and specifications approved by the Utility. The Utility agrees it will complete its review of the plans and specifications within thirty (30) days of receipt from the Developer.

H. Developer hereby agrees to transfer to Utility title to all water distributions and sewage collection systems installed by Developer or Developer's contractor, pursuant to the provisions of this Agreement. Such conveyance shall take effect at the time Utility issues its final letter of acceptance. As further evidence of said transfer to title, upon completion of the installation, but prior to the issuance of the final letter of acceptance and the rendering of service by Utility, Developer shall:

I. Provide Utility with copies of Release of Lien for said Property.

J. Developer shall assign any and all warranties and/or maintenance bonds and the rights to enforce same to the Utility which Developer obtains from any contractor constructing the utility systems. Developer shall remain secondarily liable on such warranties. If Developer does not obtain such written warranty and/or maintenance bond from its contractor and deliver same to Utility, which warranty and/or maintenance bond shall be for a minimum period of two years, then in such event, Developer by the terms of this instrument, agrees to indemnify and save harmless the Utility for an loss, damages, costs, claims, suits, debts, or demands by reason of latent defects in the systems which could not have been reasonably discovered upon normal engineering inspection, for a period of two years from the date of acceptance by the Utility of said utility systems.

K. The Developer shall provide Utility with all appropriate

operations/maintenance and parts manuals.

L. The Developer shall further cause to be conveyed to Utility all easements and/or rights-of-way covering areas in which water and sewer systems are installed, by recordable document in form satisfactory to the Utility and shall convey title to the Utility, by recordable document in form satisfactory to Utility, and lift stations constructed on Developer's Property along with recordable ingress/egress easement documents.

M. Utility agrees that the issuance of the final letter of acceptance for the water distribution and sewage collection systems installed by Developer shall constitute the assumption of responsibility by Utility for the continuous operation and maintenance of such systems from that date forward.

Section 5. Easement.

Developer hereby grants and gives to Utility, its successors and assigns, but subject to the terms of this Agreement, the exclusive right or privilege to construct, own, maintain or operate the water and sewer facilities to serve the Property; and the exclusive right or privilege to construct, own, maintain or operate the said facilities in, under, upon, over and across the present and future streets, roads, alleys and easements, reserved utility strips and utility sites, and any public place as provided and dedicated to public use in the record plats, or as provided for in agreements, dedications or grants made otherwise and is independent of said record plats. Mortgagees, if any, holding prior liens on the Property shall be required to either release such lien, subordinate their positions or join in the grant or dedication of the easements or rights-of-way, or give to Utility assurance by way of a "non-disturbance agreement," that in the event of foreclosure, mortgagee would continue to recognize the easement rights of Utility, as long as Utility

complies with the terms of this Agreement. All water distribution and sewage collection facilities, save and except consumer installations, shall be covered by easements or rights-of-way if not located within platted or dedicated road or rights-of-ways for utility purposes.

Developer hereby further agrees that the foregoing grants include the necessary right of ingress and egress to any part of the Developer's property upon which Utility is constructing or operating utility facilities. The foregoing grants shall be for such period of time as Utility or its successors or assigns require such rights, privileges or easements in the construction, ownership, maintenance, operation or expansion of the water and sewer facilities. The parties agree that in the event Developer and Utility agree to install any of the water or sewer facilities in lands within the Property lying outside the streets and easement areas described above, then Developer or the owner shall grant to Utility, the necessary easement or easements for such "private property" installation; provided, all such "private property" installations by Utility shall be made in such a manner as not to interfere with the then primary use of such "private property". The use of easements granted by Developer to Utility shall not preclude the use by other utilities of these easements, such as for cable television, telephone, electric, or gas utilities, or as otherwise agreed to by Utility, provided each does not interfere with Utility's use thereof.

The Utility hereby agrees that all easement grants will be utilized in accordance with the established and generally accepted practices of the water and sewer industry with respect to the installation of all its facilities in any of the easement areas.

Section 6. Utility's Exclusive Right to Utility Facilities.

Developer agrees with Utility that all water and sewer facilities accepted by Utility in

connection with providing water and sewer services to the Property shall at all times remain in the sole, complete and exclusive ownership of Utility, its successors and assigns, and any person or entity owning any part of the Property or any residence, building, or unit constructed or located thereon, shall not have any right, title, claim or interest in and to such facilities or any part of them, for any purpose, including the furnishing of water and sewer services to other persons or entities located within or beyond the limits of the Property.

Section 7. Exclusive Right to Provide Service.

As a further and essential consideration of this Agreement, Developer, or the successors and assigns of Developer, shall not (the words "shall not" being used in a mandatory definition) engage in business or businesses of providing potable water or sewer services to the Property during the period of time Utility, its successors and assigns, provide water or sewer services to the Property, it being the intention of the parties hereto that under the foregoing provision and also other provisions of this Agreement, Utility shall have the sole and exclusive right and privilege to provide water and sewer services to the Property and to the occupants of each residence, building or unit constructed thereon, except for providing by Developer, from its own sources and lines for irrigation uses.

Section 8. Rates.

The Utility agrees that the rates to be charged to Developer and individual consumers of water and sewer services shall be those set forth by the City Council. However, notwithstanding any provision in this Agreement, the Utility, its successors and assigns, may establish, amend or revise, from time to time in the future, and enforce rates

or rate schedules so established and enforced and shall at all times be reasonable and subject to approval by the City Council.

Notwithstanding any provision in this Agreement, the Utility may establish, amend or revise, from time to time, in the future, and enforce rules and regulations covering water and sewer services to the Property, including the costs thereof.

Any such initial or future lower or increased rate schedules, and rules and regulations established, amended or revised and enforced by Utility from time to time in the future shall be binding upon Developer; upon any person or other entity holding by, through or under developer; and upon any user or consumer of the water and sewer provided to the Property by Utility.

Section 9. Capital Facility Fees.

In addition to the contribution of any water distribution and sewage collection systems, where applicable, and further to induce the Utility to provide water and sewage service, Developer hereby agrees to pay to Utility the following Capital Facility Fees:

A. Water Capital Facility Fee. A capital facility fee which represents the capital cost of the Primary System capacity expansion will be charged and paid in the manner described herein. The City reserves the right to also require additional contributions or in kind contributions, including but not limited to constructed donated facilities, as may be necessary to extend services or to further expand the Primary System to facilitate the providing of services to the Owner's property and, if any oversizing is required the Owner shall be reimbursed in accordance with Section 26-80 of the Apopka Municipal Code. The City reserves the right to prospectively adjust unpaid fees and charges assessed herein. The Owner will be required to build or to provide the cost of construction of the

Secondary or Local Distribution System and all water facilities on site regardless of size necessary to provide service to the land development activity.

The water Capital Facility Fee charged shall be calculated as follows:

Total Water

Capacity Committed in Gallons	No. Of ERU's Committed	Water Capital Facility Fee Per ERU	Facility Fee Due from Owner
21,600	72	\$957.00	\$68,904.00

B. Sewer Capital Facility Fee. A capital facility fee shall be assessed by the City which represents the capital cost of the Primary System Capacity expansion. The City reserves the right to also require additional contributions or in kind contributions, including but not limited to constructed donated facilities, as may be necessary to extend services or to further expand the Primary System to facilitate the providing of services to the Owner's property and, if any oversizing is required, the Owner shall be reimbursed in accordance with Section 26-80 of the Apopka Municipal Code. The City additionally reserves the right to prospectively adjust unpaid fees and charges assessed herein. Owner will be required to build or to provide the cost of construction of the Secondary or Local Distribution System and all water facilities on site regardless of size necessary to provide service to the land development activity.

The Sewer Capital Facility Fee charged shall be calculated as follows:

Total Sewer

Capacity Committed in Gallons	No. Of ERU's Committed	Sewer Capital Facility Fee Per ERU	Facility Fee Due from Owner
21,600	72	\$4,775.00	\$343,800.00

Section 10. Payment of Capital Fees.

The capital facility fees described herein shall be due and payable as follows:

A. 10% of all capital facilities fees for all units at the time of applying to DEP for a permit.

B. 20% of all capital facilities fees at the time of receiving DEP approval/permit or 120 days from the date of application whichever occurs first.

C. 10% of all capital facilities fees at the time of issuance of Certificate of Acceptance by City or 120 days from the date of issuance of DEP permit whichever occurs first.

D. 20% of all capital facilities fees 12 months after the date of issuance of the DEP permit as set forth in (b).

E. 20% of all capital facilities fees not later than 24 months after the date of issuance of the DEP permit as set forth in (b).

F. All capital facilities fees are due not later than 36 months after the date of the issuance of the DEP permit as set forth in (b).

The capital facilities fees shall be based on the fee schedule in effect at the time payment is actually made to the City. The fees set forth therein are the minimum due and payable. Capital Facilities Fees shall be due and payable by the Owner on or before application for building permits for each individual lot or land development activity. During the time period following the issuance of the DEP permit until all capital facilities fees are paid, the amount due and payable shall always be the greater of the scheduled fees or the fees due upon applying for building permits during this period. If the Capital Facilities fees are paid in conjunction with the application for building permits are less

than the fees currently due pursuant to subparagraphs (d), (e), and (f) of this Section, the Owner must remit the difference as same comes due pursuant to the schedule. If the amount due in conjunction with the application for building permits exceeds the amount due pursuant to schedule, the amount due in conjunction with the application for building permits shall be the amount due and payable regardless of the amount of the scheduled payment.

The 40% first paid in accordance with subparagraphs (a), (b), and (c) of this Section will apply to the last 40% of the building permits applied for by the Developer. A failure of the Developer to pay all sums due in accordance with this Section shall be considered a default and all of the Capital Facilities Fees shall become immediately due and payable and all other rights and remedies associated with a default shall be available to the City.

It is also agreed by the parties that:

(a) No lots, units or interests in the property, development or units may be sold until 100% of all the capital facilities fees on those lots or units to be sold have been paid.

(b) No capacity may be transferred, sold or bartered to any other land development activity.

(c) If the Developer should default on any of the aforescribed, the City shall have the right to record a lien on all remaining lots owned by the Developer for unpaid fees and shall have the right to demand the return of unused capacity. This right is in addition to all other rights available to the City under Florida law.

Section 11. Refund of Fee Paid.

The parties agree that if a DEP permit expires and DEP has released all permitted capacity back to the City and no construction has been commenced, then the Developer shall be entitled to a refund of the capital facility fees paid as a condition for its issuance except that the City shall retain three percent (3%) of the refunded funds as a fee to offset the costs of collection and refund.

Section 12. Recapture of Capacity.

The parties agree that if the development has not been substantially completed by the end of the calendar quarter immediately following two (2) years from the date on which the water and sewer capital facility fee was paid in full, or if the developer is in default under this agreement or if the DEP permit issued to the developer has expired or the Developer has not proceeded to develop the property described in **Exhibit "A"** within two years from the date of execution of this Agreement, the City may petition, if necessary, the DEP to recapture the capacity committed pursuant to this Agreement. If said capacity is all released back to the City, the City may refund the capital facility fees as set forth in paragraph 11 above.

Section 13. Maintenance Fees.

The parties agree that the City may subject encumbered or committed water and sewer capacity to a maintenance fee to be assessed by the City. The amount of such fee will be determined by the City Council and shall be based upon the costs of maintaining the committed capacity for the Developer. Such fees shall not be a Capital Facility Fee as described herein and shall be due and payable as directed by the City.

Section 14. Water System Tap Fee.

The parties agree that a Water Tap Fee shall be charged at the time of approval by the City of a service connection. Such fee will include the labor cost and the cost of connection piping from the main to the meter not to exceed fifty (50) feet in length and shall be charged as follows:

<u>Single Service Meter</u>	
3/4"	\$350.00
1"	\$412.00
1½"	\$631.00
2"	\$757.00
 <u>Dual Service Meter</u>	
3/4"	\$274.00
 <u>Short Service Tap</u>	
3/4" & 1"	\$275.00
1½" & 2"	\$357.00
 <u>Long Service Tap</u>	
3/4" & 1"	\$836.00
1½" & 2"	\$918.00

For a meter or tap over two (2) inches in size, the work will be performed by the contractor, however, in circumstances where the City elects to perform the work, the fee charged shall be actual cost plus ten percent (10%).

Short service is defined as service located on the same side of a road or driveway of an existing water line where the connection is to be made. Long service is defined as service located on the opposite side of a road or driveway of an existing water line where the connection is to be made. There will be an additional charge of \$10.00 for every linear foot for service over 50 linear feet. An additional charge will be added equal to the county right-of-way permit fee when it is required. All Tap Fees are due and payable at the time that a service connection is approved by the Utility.

Section 15. Sewer Tap Fee and Other Charges.

The parties agree that a sewer tap fee shall be charged at the time of approval by the City of a service connection. The cost of extending or installing 6" sewer lateral shall be \$745.00 up to 25 feet and including cleanout, and shall be payable by the Developer upon billing. For additional footage beyond 25 feet, the charge shall be \$12.00 per linear foot. The costs of any applicable county or state permits will be also an additional charge payable by the Developer. Any sewer lateral within the public right-of-way easement will remain the property of the City. All Tap Fees are due and payable at the time that a service connection is approved by the Utility. The other charges described herein are due and payable within 10 days of the date of the billing.

Section 16. Miscellaneous Provisions Regarding Payments.

The parties agree to the following with reference to fees described herein:

A. No building permit for any developmental activity requiring the payment of a capital facility fee shall be issued unless and until the water and sewer capital facility fees have been paid.

B. The City may require that all payments be made with certified funds or cashier's check if payments have been late or if the Developer has previously provided bad funds or if the Developer has an impaired credit reputation.

C. In the event that the City should have to take any actions other than initial presentment of a check to a local bank in order to collect the payments due and payable pursuant to this Agreement, the Owner shall be responsible for any costs, including reasonable attorney's fee, incurred in taking such actions.

D. Acceptance of payment of any of the Fees described herein in part or in full shall

not constitute a waiver of the Utility's rates or regulations.

E. Neither Developer nor any person or other entity holding any of the Property by, through or under Developer, or otherwise, shall have any present or future right, title, claim or interest in and to the Capital Facility Fee charges paid or to any of the water or sewer facilities and properties of Utility, and all prohibitions applicable to Developer with respect to refund of such fees, are applicable to all persons or entities owning such property or an interest in such property.

Section 17. Agreement to Serve.

Upon the completion of construction of the water and sewer facilities by Developer, its inspection, the issuance of the final letter of acceptance by the Utility, the Utility covenants and agrees that it will allow the connection of the water distribution and sewage collection facilities installed by Developer to the central facilities of the Utility and shall provide utility service in accordance with the terms and intent of this Agreement. Such connections shall at all times be in accordance with rules, regulations and orders of the applicable governmental authorities including the City. The Utility agrees that once it provides water and sewer service to the Property and Developer or others have connected consumer installations to its system, that thereafter the Utility will continuously provide, in accordance with the other provisions of this Agreement, including rules and regulations and rate schedules, water and sewer service to the Property in a manner to conform with all requirements of the applicable governmental authority.

The parties agree that the capacity needed to provide service to the Property is 21,600 gallons per day for potable water supply and 21,600 gallons per day for wastewater removal. Developer agrees that the number of units of development for

which capacity is reserved hereby shall not exceed the number of units of development for which capacity is reserved hereby pursuant to final development plans on file in the Community Development Department. Developer agrees that sewage to be treated by the Utility from Developer's property will consist of domestic wastewater and further agrees that it will not allow any abnormal strength sewage to flow from developers' property to the Utility Sewage treatment facility that will cause harm to the treatment process. In addition, Developer further agrees that no wastewater, fluids or other substances and materials shall be discharged to the Utility's sanitary sewer collection/transmission system, which contain any hazardous, inflammable, toxic and/or industrial constituents, in whole or in part, regardless of the concentrations (i.e., strengths) of said constituents. Developer grants to Utility the right to sample the Developer's sewage, as referred to hereinabove, to verify Developer's compliance with this paragraph.

Section 18. Application for Service: Consumer Installations.

Developer, or any owner of any parcel of the Property, or any occupant of any residence, building or unit located thereon shall not have the right to and shall not connect any consumer installation to the facilities of Utility until formal written application has been made to Utility by the prospective user of service, or either of them, in accordance with the then effective rules and regulations of the Utility and approval for such connection has been granted.

Although the responsibility for connecting the consumer installation to the meter and/or lines of the Utility at the point of delivery is that of the Developer or entity other than the Utility, with reference to such connections, the parties agree as follows:

A. Application for the installation of water meters and backflow preventers shall be made twenty-four (24) hours in advance, not including Saturdays, Sundays and holidays.

B. All consumer installation connections may at its sole option be inspected by the Utility before backfilling and covering of any pipes.

C. Written notice to the Utility requesting an inspection of a consumer installation connection may be given by the Developer or his contractor, and the inspection will be made within twenty-four (24) hours, not including Saturdays, Sundays and holidays, provided the meter and backflow preventer, if applicable, have been previously installed.

D. The cost of constructing, operating, repairing or maintaining consumer installations shall be that of Developer or a party other than the Utility.

E. If a kitchen, cafeteria, restaurant or other food preparation or dining facility is constructed within the Property, the Utility shall have the right to require that a grease trap and/or pretreatment unit be constructed, installed and connected so that all waste waters from any grease producing equipment within such facility, including floor drains in food preparation areas, shall first enter the grease trap for pretreatment before the wastewater is delivered to the lines of the Utility. The size, materials and construction of said grease traps are to be approved by the Utility. Developer hereby grants to the Utility the right to periodically inspect the pretreatment facilities herein described. The provisions of this paragraph shall not apply to individual residential kitchens.

No substance other than domestic wastewater will be placed into the sewage system and delivered to the lines of the Utility. Should any non-domestic wastes, grease or oils, including, but not limited to, floor wax or paint, be delivered to the lines, the Owner will be responsible for payment of the cost and expense required in correcting or repairing

any resulting damage or impairment of the treatment process and/or facilities.

Section 19. Assurance of Title.

Within fifteen (15) days of DEP approval or prior to Developer issuing the Notice to Proceed to the Utility, at the expense of Developer, Developer agrees to deliver to the Utility a Certificate of Title, a Title Insurance Policy or an opinion of title from a qualified attorney-at-law, with respect to the Property. The provisions of this paragraph are for the purpose of evidencing Developer's legal right to grant the exclusive rights of service contained in the Agreement.

Section 20. Binding Effect of Agreement.

The Agreement shall be binding upon and shall inure to the benefit of Developer, the Utility and their respective assigns and successors by merger, consolidation, conveyance or otherwise, subject to the terms of this Agreement, as contained herein. This Agreement is freely assignable by either party.

Section 21. Notice.

Until further written notice by either party to the other, all notices provided for herein shall be in writing and transmitted by messenger, by mail or by telegram, and if to Developer, shall be mailed or delivered to Developer at:

210 S Hoagland Blvd.
Kissimmee, FL 34741

With a copy to:

and if the Utility, at:

City of Apopka
Utilities Department, Attn: Eusie Watson
120 East Main Street, Apopka, FL 32704

Section 22. Laws of Florida.

This Agreement shall be governed by the laws of the State of Florida and it shall be and become effective immediately upon execution by both parties hereto.

Section 23. Cost and Attorney's Fees.

In the event the Utility or Developer is required to enforce this Agreement by Court proceedings or otherwise, by instituting suit or otherwise, then the prevailing party shall be entitled to recover from the other party all costs incurred, including reasonable attorney's fees.

Section 24. Force Majeure.

In the event that the performance of this Agreement by either party to this Agreement is prevented or interrupted in consequence of any cause beyond the control of either party, including but not limited to Act of God or of the public enemy, war, national emergency, allocation or of other governmental restrictions upon the use of availability of labor or materials, rationing, civil insurrection, riot, racial or civil rights disorder or demonstration, strike, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, or other casualty or disaster or catastrophe, unforeseeable failure or breakdown of pumping transmission or other facilities, and all governmental rules or acts or action of any government or public or governmental authority or commission of board or agency or agent or official or officer, the enactment of any statute or ordinance or resolution or regulation or rule or ruling or order, order of decree or judgment or restraining order or injunction of any court, said party shall not be liable for such non-performance.

Section 25.

The rights, privileges, obligations and covenants of Developer and the Utility shall survive the completion of the work of Developer with respect to completing the facilities and services to any development phase and to the Property as a whole.

Section 26.

This Agreement supersedes all previous agreements or representations, either verbal or written, heretofore in effect between Developer and Utility, made with respect to the matters herein contained, and when duly executed, fully constitutes the Agreement between Developer and the Utility. No additions, alterations or variations of the terms of this Agreement shall be valid, nor can provisions of this Agreement be waived by either party, unless such additions, alterations, variations or waivers are expressed in writing and duly signed.

Section 27. Construction.

Whenever the singular number is used in this Agreement and when required by the context, the same shall include the plural, and the masculine, feminine and neuter genders shall each include the others.

In case of any differences of meaning or implication between the text of this Agreement and any caption, illustration, summary table, or illustrative table, the text shall control.

The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".

The work "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Section 28.

Both parties warrant that they have the legal authority to execute this Agreement.

Section 29.

Notwithstanding the gallonage calculations that could be made hereunder relative to ERU's, by and execution hereof, Developer agrees that the intention of this contract is to reserve a given number of units of capacity for the property described in **Exhibit "A"** and not for purposes of any other calculations.

Section 30.

It is agreed by and between the parties hereto that all words, terms and conditions contained herein are to be read in concert, each with the other, and that provision contained under one heading may be considered to be equally applicable under another in the interpretation of this contract.

Section 31.

By the execution hereof, Developer agrees that the Utility Company has certain obligations as a municipal utility to protect the health, safety and welfare of the public and not to burden Utility's customers with extraordinary expenses attributed or attributable to Developer, his successors or assigns, and that the Utility may, at its sole option, require pretreatment or special features such as grease traps. It is the intention of the parties that all sewage shall conform to the requirements of the Utility prior to introduction into Utility's collection system. Developer shall be responsible for all costs associated herewith.

Section 32.

The Utility shall, at all reasonable times and hours, have the right of inspection of

Developer's internal lines and facilities. This provision shall be binding on the successors and assigns of the Developer.

Section 33. Water Conservation Measures.

Water conservation measures shall be employed by the Developer. Said measures shall include but not be limited to:

- A. Low flush toilets which utilize 3.5 gallons or less of water per flushing cycle.
- B. Shower heads which have flow restrictors, pulsating features, flow control devices or other features which result in water conservation; and do not allow a flow exceeding 3.0 gallons per minute at 60 psi.
- C. No swimming pool filter backwash water or any other swimming pool wastewater shall be discharged to the sanitary sewer system.
- D. Spring-loaded/automatic shut-off water fixtures shall be utilized in all public restrooms. This shall include lavatory fixtures.
- E. Consideration and use (where possible) of dishwashers and washing machines which have water conservation features and/or utilize less water per cycle.

The Utility, at its discretion, shall review and approve all water conservation measures proposed by Developer.

Section 34.

Failure to insist upon strict compliance of any of the term, covenants, or conditions hereof shall not be deemed a waiver of such terms, covenants, or conditions, or shall any waiver or relinquishment of any right or power hereunder at any one time, or times, be deemed a waiver or relinquishment of such right or power at any other time or times.

Section 35.

In the event that relocation of existing water and sewer utilities are necessary for the Developer, Developer will reimburse utility in full for such relocations.

[Remainder of page intentionally left blank. [Signatures on the following pages.]

WITNESSES:

THE CITY OF APOPKA,
A Florida municipal corporation

Print Name

Glenn Irby
City Administrator

Print Name

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Glenn Irby, City Administrator of the City of Apopka, a Florida municipal corporation, he is personally known to me or has produced _____ as identification and did (did not) take an oath.

(NOTARY'S SEAL)

Notary Public

Print Name
Commission No. _____

WITNESSES:

[Signature]
Print Name
Kimberly Boccia
Print Name

[Signature]
Print Name
Asa de Amas
Print Name

OWNER: ITD LAND AT ROGERS RD., LLC

By: [Signature]
Title
MANAGER

STATE OF FLORIDA
COUNTY OF DUCEDLA

The foregoing instrument was acknowledged before me this 8TH day of AUGUST, 2017 by CRAIG HARRIS (Name of officer or agent) of ITD LAND AT ROGERS ROAD, LLC (Name of corporation acknowledging), a FLORIDA (state or place of corporation) Corporation, on behalf of the corporation. He/She/They is/are personally known to me or has produced _____ (type of identification) as identification and did (did not) take an oath.

SEAL 

[Signature]
NOTARY PUBLIC

EXHIBIT "A"

Legal Description

(PER FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 6011612-2037-3407700
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ORANGE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), IN SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST, TEN (10) ACRES MORE OR LESS;

THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST;

THE NORTH ONE-HALF (N 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST, TEN (10) ACRES MORE OR LESS,

LESS: RIGHT OF WAY TO THE COUNTY OF ORANGE AS SHOWN IN O.R. BOOK 1803, PAGE 779, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; DESCRIBED AS WEST 30 FEET OF NORTH 1/4 OF THE NORTHWEST 1/4 OF SOUTHWEST 1/4, SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST.

AND LESS: THAT PARCEL OF LAND DEEDED TO ELROY A. LESTER AND RUTH B. LESTER AS SHOWN ON O.R. BOOK 3073, PAGE 249, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; DESCRIBED AS: BEGIN AT A POINT 12 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTH 3/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, THENCE SOUTHEASTERLY TO A POINT ONE-HALF (1/2) THE DISTANCE BETWEEN THE EAST LINE AND THE WEST LINE OF SAID NORTH 3/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, TO THE SOUTH LINE OF SAID NORTH 3/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, THENCE WEST TO WEST LINE OF SAID NORTH 3/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, THENCE NORTH 12 FEET TO THE P.O.B., LESS THE WEST 30 FEET FOR ROAD, ORANGE COUNTY, FLORIDA, SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST.

PARCEL IDENTIFICATION NUMBER: 29-20-28-0000-00004

PARCEL NO. 2:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTH 1/4 OF THE NW 1/4 OF THE SW 1/4 THENCE WEST TO THE HALF WAY POINT BETWEEN THE EAST LINE AND THE WEST LINE OF THE SAID SOUTH 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, THENCE SOUTHEASTERLY TO THE EAST LINE OF SAID SOUTH 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 THENCE NORTH 12 FEET TO THE POINT OF BEGINNING, ALL IN SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 29-20-28-0000-00028

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

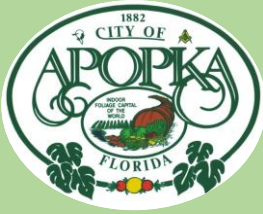
A PORTION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE N89°54'35"E, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ROGERS ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 1803, PAGE 779, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE, N89°54'35"E, A DISTANCE OF 1321.70 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE S00°18'12"W, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29, A DISTANCE OF 1012.64 FEET TO A POINT ON THE SOUTH LINE OF THOSE CERTAIN LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3073, PAGE 249, OF AFORESAID PUBLIC RECORDS; SAID POINT ALSO LYING ON THE NORTH LINE OF LESTER RIDGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 79, PAGES 111-114, SAID PUBLIC RECORDS; THENCE N59°43'26"W, ALONG SAID SOUTH LINE, A DISTANCE OF 675.27 FEET TO THE MIDPOINT BETWEEN THE EAST LINE AND THE WEST LINE OF THE NORTH 3/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE CONTINUE N88°43'28"W, ALONG SAID SOUTH LINE, A DISTANCE OF 645.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF AFORESAID ROGERS ROAD; THENCE N00°13'59"E, ALONG SAID EAST LINE, A DISTANCE OF 1004.16 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 1,332,257 SQUARE FEET OR 30.60 ACRES, MORE OR LESS.

Backup material for agenda item:

2. Approve the serving of wine for a Wings & Wine event at the Museum of Apopkans.



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: August 16, 2017
 FROM: Administration
 EXHIBITS: None

SUBJECT: ALCOHOL SERVICE AT WINGS & WINE EVENT

REQUEST: APPROVE SERVING OF ALCOHOL AT WINGS & WINE EVENT AT THE MUSEUM OF APOPKANS ON AUGUST 31, 2017.

SUMMARY:

On August 31, the Apopka Historical Society intends to hold an event titled “Wings & Wine” at the Museum of the Apopkans. The event will feature a speaker from Apopka’s Avian Reconditioning Center. With Council approval, wines with avian-themed labels would be served as refreshment.

On September 3, 2014, City Council adopted Ordinance No. 2376 which requires City Council approval for the sale, consumption and carrying of alcoholic beverages on City-owned property during events or programs.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Approve serving of alcohol at Wings & Wine event at the Museum of Apopkans on August 31, 2017.

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

Backup material for agenda item:

3. Approval for Alcohol Sales at the Summer BBQ Showdown & Steak Cookoff.



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: August 16, 2017
 FROM: Administration
 EXHIBITS:

SUBJECT: PROVISION OF ALCOHOL SALES AND SERVICE AT THE SUMMER BBQ SHOWDOWN AND STEAK COOKOFF.

REQUEST: APPROVAL OF ALCOHOL SALES AND SERVICE AT THE NORTHWEST RECREATION COMPLEX SEPTEMBER 7 - 9, 2017.

SUMMARY:

The City is promoting a BBQ event at the Northwest Recreation Complex in September.

The “Apopka Summer BBQ Showdown and Steak Cookoff presented by Flame Boss,” will include some of the State's best competition BBQ cook teams in a Florida BBQ Association event. Additionally, there will be a steak contest sanctioned by the U.S. Steak Cookoff Association. Other events over the competition weekend include a truck show with dozens of entries from around Central Florida, and a movie at the Apopka amphitheater.

The City Council adopted Ordinance No. 2376 which requires Council approval for the sale, consumption, and carrying of alcoholic beverages on City-owned property during events or programs.

FUNDING SOURCE:

Not Applicable. This is a self-funding event.

RECOMMENDATION ACTION:

Approve the associated alcohol service for the duration of the event.

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

Backup material for agenda item:

4. Accept Notification of Application for the Edward Byrne Memorial Justice Assistance Grant Program.



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER:

MEETING OF: August 16, 2017
FROM: Police Department
EXHIBITS:

SUBJECT: NOTIFICATION OF APPLICATION FOR FISCAL YEAR 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.

REQUEST: THE POLICE DEPARTMENT IS SUBMITTING AN APPLICATION TO RECEIVE \$12,750 IN GRANT FUNDING TOWARD THE PURCHASE OF 100 LED LIGHT SYSTEMS TO BE MOUNTED ON ALL APOPKA POLICE DEPARTMENT ISSUED RIFLES.

SUMMARY:

Through this grant, the Apopka Police Department will be enhancing its capabilities by providing police personnel with rifle lighting equipment.

Poor lighting handicaps the police officer's performance in many ways. The officer's ability to navigate in unfamiliar terrain, locate potential problems, and quickly assess a threat are all degraded under low light conditions. Regardless of lighting factors, officers must have the ability to quickly discriminate between imminent threats and persons who are not armed and present no threat. Failing to observe an imminent threat could result in the police officer being harmed, while failing to recognize the exact nature of an object in a subject's hand can result in an unarmed civilian being harmed.

Traditionally, officers are trained to shoot their weapons during low-light situations with a handheld flashlight. Coordinating a handgun in one hand and a flashlight in the other can be a challenging task. Improvements in weapon design and technology have recently helped law enforcement by producing weapons with mounts where a small LED flashlight can be affixed. This creates easier access and efficiency by automatically lining up the muzzle of the weapon with an illumination source. Essentially, where the weapon goes, the light goes. Under extreme stress, it's far easier for a police officer to discriminate threats with a handgun already affixed with an LED light than attempting to coordinate a handheld flashlight. For this reason, all Apopka Police Officers are issued, and train with, handguns mounted with a high quality LED light. Although all Apopka Police Officers are issued rifles as well, none, with the exception of our SWAT team operators, are issued mounted lights for them.

With an increasing number of "active shooter" events occurring every year in this country, as well as abroad, the Apopka Police Department has taken a proactive approach in training its members on how to tactically respond should one of these unfortunate events occur here. During training, we teach our officers to deploy to these situations with their issued rifles. In an attempt to make training as close as possible to the reality of today's current events, we train in real-world places like local church businesses, and schools. One of the biggest drawbacks we have found during training is the inability

easily see into darkened environments, such as, hallways, classrooms, and closets where a potential threat, or innocent person, could be hiding. Currently, in order to successfully do this, an officer would have to reach for their handheld flashlight and illuminate the room looking for potential threats. To do this, while holding a rifle is difficult and creates an officer and civilian safety issue.

This grant will allow the agency to equip every member with a weapons mounted light system for their issued rifle. This equipment is a vast improvement because it enhances the officers' tactical capabilities and provides an added measure of officer and civilian safety. Keeping our officers safe and efficient ultimately allows them to provide a higher level of service to the community.

FUNDING SOURCE:

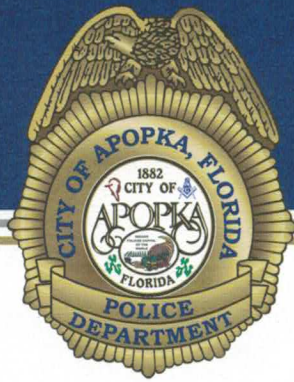
N/A

RECOMMENDATION ACTION:

Authorize the Police Chief to move forward with the proposed grant.

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



August 7, 2017

Honorable Joseph Kilsheimer, Mayor
Honorable Billie Dean, Vice Mayor/Commissioner
Honorable Doug Bankson, Commissioner
Honorable Kyle Becker, Commissioner
Honorable Diane Velazquez, Commissioner
Mr. Glenn Irby, City Administrator
120 East Main Street
Apopka, Florida 32703

Reference: 2017 JUSTICE ASSISTANCE GRANT

Dear Mayor Kilsheimer, Commissioners, and Mr. Irby:

This letter is to give notice the Department is applying for Federal Funding available from the Department of Justice, Bureau of Justice Assistance. The funding being requested is for a grant to purchase LED lights and hardware to be mounted on all police issued rifles.

In keeping with the requirements of the grant, I am required to notify the public through a public posting, which has been done by placing notice in the lobby of City Hall.

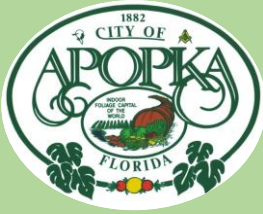
Additionally, I am required to notify the Commission of my intent to obtain funds and make the application available. This is to permit for both public and commission feedback. Should we receive the funds, there is no requirement that we match the funds being requested. If you have any questions, please feel free to contact me or Lieutenant Jason Woertman.

Respectfully,

Michael McKinley
Police Chief

Backup material for agenda item:

1. Acceptance of a Trails Grant and the required funding match at Kit Land Nelson Park. Shakenya Jackson



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: BUSINESS

MEETING OF: August 16, 2017
 FROM: Administration
 EXHIBITS: Award Notification
 Ord. 2561 Staff Report
 Preliminary Site Plan

SUBJECT: RECREATIONAL TRAILS GRANT PROGRAM

REQUEST: MONETARY MATCH REQUIREMENT FOR FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUMMARY:

On March 15, 2017, City Council approved the second reading of Ordinance No. 2561 which amended the Capital Improvement Plan to include the fitness trail/track in Kit Land Nelson Park as it was a requirement of the grant application process.

The Florida Department of Environmental Protection has awarded the City \$120,000 to Construct a 10' X 2,900 Linear Foot concrete fitness trail in Kit Land Nelson Park with the installation of additional landscaping, lighting, and parking spaces.

The fitness trail will support non-motorized activities such as bicycling, skating, walking, and fitness activities. The Match requirement is \$80,000. The estimated project cost is \$200,000.

FUNDING SOURCE:

Each fiscal year, employee positions within the General Fund are vacant. Although fully funded within the budget, a portion is always left over. A recent check of these accounts show there will be much more than the required match left over at September 30, 2017 that can be transferred to the Grant Fund for this specific use.

RECOMMENDATION ACTION:

Accept the grant and approve the match requirement of \$80,000.

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

T17030 City of Apopka, Kit Land Nelson Park

Department staff, the RTP Advisory Committee, the Department of Environmental Protection, and the Federal Highway Administration have completed the review of the subject application and has made an eligibility determination pursuant to Rule 62S-2.072(5), F.A.C.

Congratulations! Your 2017 Recreational Trails Program application(s) has been selected by the for funding. There will be a very short timeline to get Agreements executed this year.

To prepare recipients for funding, staff is sending out a list of required documents, the elements to be included in the Grant Work Plan, and the Agreement for review. The following documents will be **required prior to execution of an Agreement**:

1. **Proof of Insurance**

2. **Proof of Ability to Match (letter from CFO)**

3. **[Federal Funding Accountability and Transparency Act \(FFATA\) Form](#)** with 9 digit DUNS number (attached). Please ensure all 9 digits are shown on the form.

4. **Estimated timeline for Project completion** to include return of signed Agreement, design and permitting, bid process, and completion of construction. **All Agreements must be signed and returned no later than October 27, 2017**, unless otherwise approved.

5. All recipients must have **ACTIVE registration on [My Florida Market Place](#)**.

Before the Project Agreement can be executed, the Land & Recreation Grants Section staff will need to confirm the Grant Work Plan information that was submitted within your RTP application. These details will then become your "Attachment A – Grant Work Plan" to your forthcoming RTP Project Agreement. Please review and **confirm the following elements are correct**:

Construction 10' X 2,900 LF (+/- 10%) concrete fitness trail; Purchase and installation of landscaping and additional lighting.

- If there are any pre-agreement costs that are expected for this project – they **MUST** be included in the grant work plan. In addition, cost incurred invoices must also be provided to the Department upfront for review and will be specified in the grant agreement.
- Notify the RTP Program Manager if Project planning expenses, such as application preparation, architectural and engineering fees, permitting fees, project inspection, and other similar fees are to be included in reimbursement. These elements must be included in the grant work plan to receive reimbursement. Such costs cannot exceed fifteen percent of the total project cost.
- *What you list on your Project Work Plan will dictate what costs you will be reimbursed for when your project has been completed.*
- If you have secured the services of a consultant, please make sure you are aware of what they've placed in your application. **It is ultimately the responsibility of the sponsor to understand your project's scope of work. Sponsors will be expected to develop these facilities as specified.**

Note: For Agreements with governmental boards/commissions: If someone other than the Chairman signs this Agreement, a resolution, statement or other document authorizing that person to sign the Agreement on behalf of the Grantee must accompany the Agreement.

Should you have questions or need assistance, please do not hesitate to contact Pam Lister, pamela.lister@dep.state.fl.us or 850-245-2501.



**CITY OF APOPKA
CITY COUNCIL**

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Ordinance

MEETING OF: March 15, 2017
 FROM: Community Development
 EXHIBITS: Ordinance No. 2561
 Appendix 7-1, CIE

SUBJECT: AMENDMENT TO THE CITY’S FIVE-YEAR CAPITAL IMPROVEMENTS PLAN, AND INCORPORATING INTO THE CITY OF APOPKA, COMPREHENSIVE PLAN, CAPITAL IMPROVEMENTS ELEMENT.

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2561 - ANNUAL UPDATE TO THE CITY OF APOPKA, FIVE-YEAR CAPITAL IMPROVEMENTS PLAN AND INCORPORATE INTO THE CITY OF APOPKA COMPREHENSIVE PLAN, CAPITAL IMPROVEMENT ELEMENT.

SUMMARY:

The city’s annual update to the Five-Year Capital Improvement Plan was adopted recently by City Council. This annual update of the five-year CIP is intended to schedule capital projects that are necessary to meet accepted levels of service (LOS), to maintain and repair failing facilities, and to provide additional infrastructure facilities and roads to meet demands generated by new growth and development.

However, the City is pursuing a Florida Department of Environmental Protection – Office of Operation, Lands and Recreation grant. This grant request is for \$200,000 to fund the installation of a fitness trail/track at Kit Land Nelson Park to complement the future park improvements to Kit Land Nelson Park and Edwards Field. The grant requires as part of the application process that the proposed grant project be included in the City’s Five-Year Capital Improvement Plan.

Further, grant fund disbursement will require a 40 percent match (\$80,000) from the City’s Recreation general fund.

Exhibit ‘A’ of this report includes the updated CIP to be incorporated as Appendix 7-1 of the Capital Improvements Element. The proposed CIP changes (additions) are included in the ‘General Fund’ and ‘FDEP Grant Fund’ sections of the Recreation CIP (shown in Exhibit ‘A’).

Legislative changes in 2011 to Chapter 163, Florida Statutes allow local governments to update their five-year CIP by ordinance, and is not considered a comprehensive plan policy amendment. Therefore, incorporation of the updated CIP into the Capital Improvements Element does not require transmittal to the Florida Department of Economic Opportunity for state agency review.

PUBLIC HEARING SCHEDULE:

- February 14, 2017 – Planning Commission (5:30 pm)
- March 1, 2017 – City Council 1st Reading (1:30 pm)
- March 15, 2017 – City Council 2nd Reading (7:00 pm)

DULY ADVERTISED:

- February 3, 2017 – Public Hearing Notice
- March 3, 2017 – Ordinance Adoption Ad

FUNDING SOURCE: FDEP Grant & Recreation General Fund (Contingent upon grant approval)

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

RECOMMENDATION ACTION:

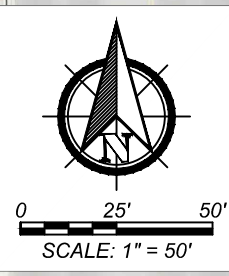
The **Development Review Committee** recommends approval of the amendment to the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element.

The **Planning Commission**, at its meeting on February 14, 2017, unanimously recommended approval of the amendment to the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element.

The **City Council**, at its meeting on March 1, 2017, accepted the first reading of Ordinance 2561, and held it over for Second Reading and Adoption on March 15, 2017.

Adopt Ordinance No. 2561.

Note: This item is considered Legislative. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.



Backup material for agenda item:

2. Final Development Plan – Shoot Straight Warehouse Addition –1351 Tropicana Circle – Quasi-Judicial Moon

David



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Final Development Plan

MEETING OF: August 16, 2017
 FROM: Community Development
 EXHIBITS: Vicinity/Aerial Maps
 Site/Landscape Plan
 Architectural Renderings

SUBJECT: FINAL DEVELOPMENT PLAN - SHOOT STRAIGHT WAREHOUSE ADDITION – PHASE 4

REQUEST: APPROVE FINAL DEVELOPMENT PLAN FOR SHOOT STRAIGHT WAREHOUSE ADDITION – PHASE 4.

SUMMARY:

OWNER/APPLICANT: Shoot Straight Holding Co., LLC
ENGINEER: American Civil Engineering Co., c/o John Herbert, P.E.
LOCATION: 1351 Tropicana Circle (generally located north of Kenneth Street, east of S Orange Blossom Trail).
PARCEL ID NUMBERS: 13-21-28-5300-02-040; 13-21-28-5300-02-060; 13-21-28-5300-02-018; 13-21-28-5300-02-080
LAND USE: Commercial
ZONING: C-1
EXISTING USE: Vacant (former Mobile Home Park was demolished)
PROPOSED USE: Expansion of Shoot Straight indoor gun range & firearm sales
TRACT SIZE: 3.8 +/- acres development site\ 6.37 acres overall
BUILDING SIZE: 32,856 S.F.
BUILDING HEIGHT: 24 feet
FLOOR AREA RATIO: 0.12

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Medium (0-10 du/ac)	A-1 (ZIP)	Vacant
East (County)	Rural (0-1 du/10 ac)	A-1	Vacant
South (City)	Commercial (max 0.25 FAR)	C-2	R-O-W, Retail & Billboard
West (City)	Commercial (max 0.25 FAR)	C-1	Retail & Gun Range (Shoot Straight)

ADDITIONAL COMMENTS: The Final Development Plan proposes 32,856 square feet of additional commercial retail next to an existing 30,000 +/-sq. ft. of retail commercial\warehousing. The site is located north of Tropicana Circle and east of Orange Blossom Trail

PARKING: A total of 39 parking spaces are being added to the site to for Phase 4 in accordance with LDC 6.03.02. Two (2) of the 39 parking spaces are reserved as handicapped parking spaces. The overall combined number of parking spaces for Phases 1-4 is 117. The total is also in accordance with LDC 6.03.02.

EXTERIOR ELEVATIONS: The design of the building exterior meets the intent of the City’s Development Design Guidelines. Architectural renderings appear at the last page of the Final Development Plan. Exterior colors will be the same as the existing buildings.

STORMWATER: Stormwater run-off and drainage will be accommodated by an on-site retention pond. The on-site stormwater management system is designed to meet standards set forth in the Land Development Code.

BUFFER/TREE PROGRAM: A minimum ten foot landscape buffer is provided along Orange Blossom Trail and Tropicana Circle. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

The following is a summary of the tree replacement program for this project:

Total inches on-site:	1,054
Total number of specimen trees:	28
Total specimen removed:	13
Total specimen inches retained:	48
Total specimen inches removed:	357
Total non-specimen inches removed:	551
Total non-specimen inches retained:	98
Total inches replaced:	27
Total inches post development:	1,054

TREE PROGRAM: The City’s Land Development Code and Tree Bank policy permit the applicant to make a contribution to the City’s Tree Bank to mitigate the remaining deficient tree inches at \$10.00 per inch. The total amount required to be paid into the Tree Bank will be \$4,068 dollars.

PUBLIC HEARING SCHEDULE:

August 8, 2017 – Planning Commission (5:30 pm)

August 16, 2017 - City Council (7:00 pm)

RECOMMENDATION ACTION:

The **Development Review Committee** finds the Final Development Plan to be consistent with the approved Preliminary Development Plan and Land Development Code, recommending approval of the Shoot Straight Warehouse Phase 4 - Final Development Plan subject to the findings of this staff report.

The **Planning Commission**, at its meeting on August 8, 2017, unanimously recommended approval of the Shoot Straight Phase 4 Final Development Plan, subject to the findings of this staff report.

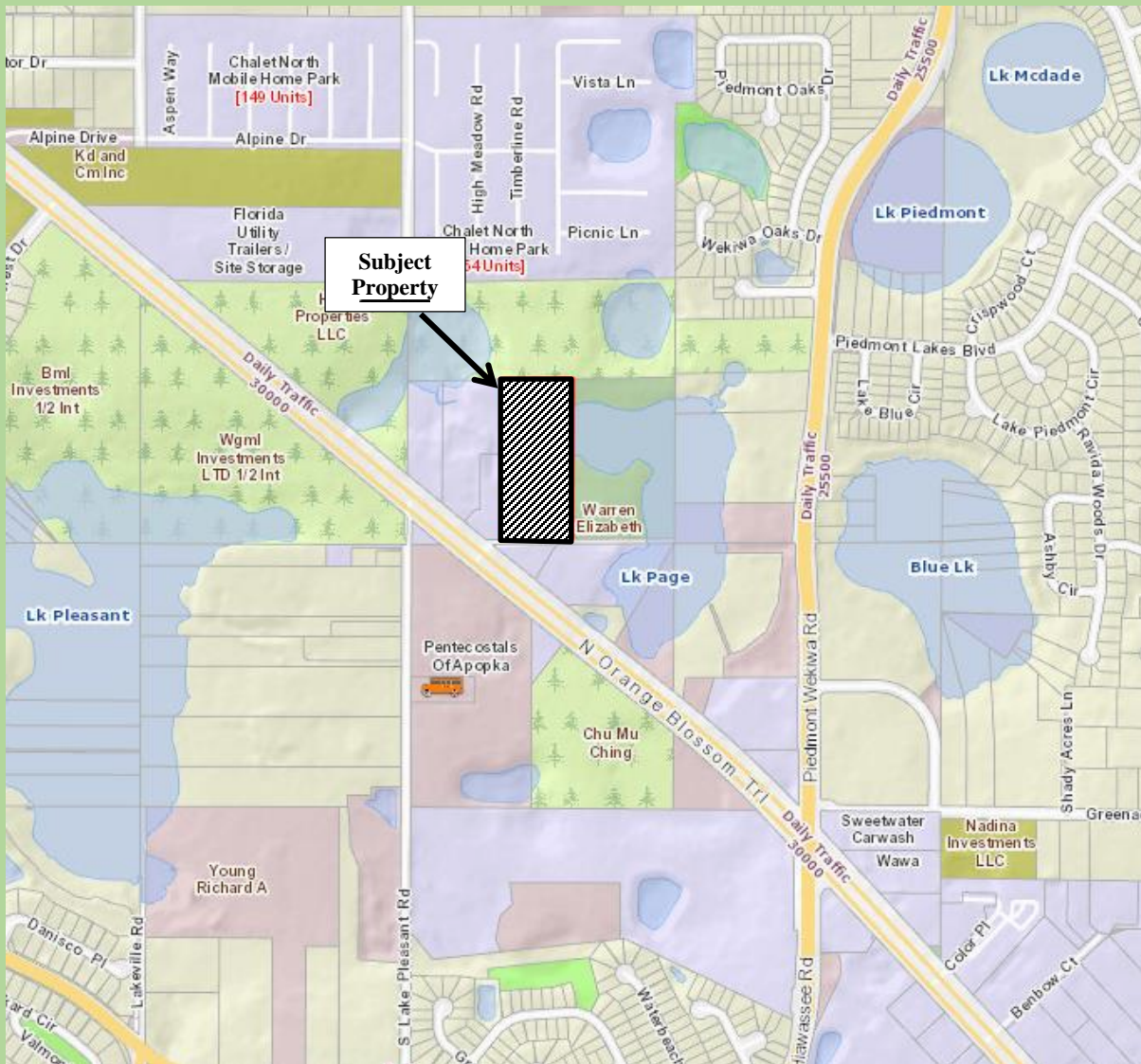
City Council Recommendation: Approve the Shoot Straight Phase 4 Final Development Plan.

Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

Application: Shoot Straight Warehouse Addition Phase 4 – Final Development Plan
Owner/Applicant: Shoot Straight Holding Co., LLC
Engineer: American Civil Engineering Co., c/o John Herbert, P.E.
Parcel I.D. No's: 13-21-28-5300-02-040; 13-21-28-5300-02-060; 13-21-28-5300-02-018;
13-21-28-5300-02-080
Location: 1351 Tropicana Circle
Total Acres: 3.8 +/- Acres



VICINITY MAP





AERIAL MAP



Final Development Plan / Major Site Plan

Shoot Straight Warehouse Addition - Ph. 4

Apopka, Florida

1349 S. Orange Blossom Trail
Apopka, Florida 32703



VICINITY MAP
NOT TO SCALE
SEC. 13 TWP. 21 S RGE. 28 E

PARCEL I.D. #(S)	
13-21-28-5300-02-040	PHASES 1, 2, 3
13-21-28-5300-03-060	PHASES 1, 2, 3
13-21-28-0000-00-018	PHASE 4
13-21-28-0000-00-080	FUTURE

DEVELOPMENT SUMMARY: PROPOSED PHASE 4

SHOOT STRAIGHT WAREHOUSE PHASE 4 IS A PROPOSED 32,856 SQ. FT. SINGLE STORY BUILDING WITH INDOOR STORAGE. THE NEW WAREHOUSE WILL BE CONNECTED TO THE EXISTING SHOOT STRAIGHT WAREHOUSE.

SPECIAL REQUESTS:

NO VARIANCES ARE REQUESTED
NO WAIVERSS ARE REQUESTED

LEGAL DESCRIPTION:

LOTS 10, 11, 12, 13, 14, 15 AND 16, BLOCK C OF F.B. LYNCH'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE(S) 88, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; TOGETHER WITH ALL THAT UNPLATTED PORTION LYING NORTH OF LOTS 10, 11, 12, 13, 14, 15 AND 16, BLOCK C OF F.B. LYNCH'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE(S) 88, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

DATE	REVISIONS
07.21.17	REVISED PER CITY REVIEW COMMENTS
05.30.17	REVISED PER CITY REVIEW COMMENTS

PROJECT DIRECTORY

PROPERTY OWNER:	SSI HOLDING CO. LLC 1349 S. Orange Blossom Trail Apopka, Florida 32703 (407) 889-7662
GENERAL CONTRACTOR:	Birchmier Construction 549 N. Wymore Road, Suite 206 Maitland, Florida 32751 Randy Birchmier (407) 786-9724
CIVIL ENGINEER:	American Civil Engineering Co. 207 N. Moss Road, Suite 211 Winter Springs, Florida 32708 John Herbert, P.E. (407) 327-7700
ARCHITECT:	Valiente Architect LLC 715 Grand Circle Temple Terrace, Florida 33617 Eduardo Valiente (813) 956-1545
LAND SURVEYOR:	Accuright Surveys of Orlando, Inc. 2012 E. Robinson Street Orlando, Florida 32803 Frank Raymond, PSM (407) 894-6314
WETLAND CONSULTANT:	Bio-Tech Consulting, Inc. 2002 East Robinson St. Orlando, Florida 32803 Steve Butler (407) 894-5969

INDEX OF SHEETS

SHEET	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES
3	DEMOLITION PLAN
4	DEVELOPMENT PLAN
5	GEOMETRY PLAN
6	UTILITY PLAN
7	PAVING / GRADING / DRAINAGE PLAN
8	TYPICAL SECTIONS & DETAILS
9	SITE CONSTRUCTION DETAILS
10	LANDSCAPE PLAN
11	LANDSCAPE DETAILS
12	IRRIGATION PLAN
13	IRRIGATION DETAILS
14 (G-4)	CITY OF APOPKA UTILITY DETAILS
15	TREE REMOVAL AND PRESERVATION PLAN
E9	PHOTOMETRIC SITE PLAN DETAILS
E10	PHOTOMETRIC SITE PLAN - ILLUMINATION
A3.10	TREE REMOVAL AND PRESERVATION PLAN

Final Development Plan / Major Site Plan

Shoot Straight Warehouse Addition-Ph. 4
Apopka

1349 S. Orange Blossom Trail, Apopka, Florida 32703



Plans issued for:	Cover Sheet
<input checked="" type="checkbox"/> final engineering	project no. 12054
<input type="checkbox"/> construction	
<input type="checkbox"/> record drawings	1 of 15

JUL 21 2017

SEC. A GENERAL CONSTRUCTION NOTES:

- 1. THE FOLLOWING GENERAL NOTES APPLY TO ALL CONSTRUCTION AS DEPICTED ON THE SITE CONSTRUCTION PLANS...
2. ALL PROPOSED SITE CONSTRUCTION SHALL BE PURSUANT TO INFORMATION SHOWN ON THESE PLANS AS APPROVED BY THE GOVERNING AUTHORITIES...
3. ALL CONSTRUCTION SHALL COMPLY WITH THE APPLICABLE STATE, FEDERAL AND LOCAL CODES, ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT THEIR EXPENSE UNLESS PREVIOUSLY OBTAINED BY THE OWNER...
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING A VISUAL INSPECTION OF THE SITE PRIOR TO BIDDING AND ACCEPTING THE WORK...
5. ANY PROPOSED FIELD CHANGES WHICH SUBSTANTIALLY DEVIATE FROM THIS PLAN SHALL BE APPROVED BY THE GOVERNING AUTHORITIES AND THE ENGINEER PRIOR TO THE CHANGE TO BE MADE IN THE FIELD...
6. ALL WORK AND MATERIALS FURNISHED SHALL BE IN REASONABLE CONFORMANCE WITH THE LINES, GRADES, GRADING SECTIONS, CROSS SECTIONS, DIMENSIONS, MATERIAL REQUIREMENTS AND TESTING REQUIREMENTS THAT ARE SPECIFIED IN THE CONTRACT, PLANS OR SPECIFICATIONS...
7. ANY DISCREPANCY BETWEEN THE CONSTRUCTION INFORMATION SHOWN ON THE PLANS AND THE ACTUAL FIELD CONDITIONS SHALL IMMEDIATELY BE BROUGHT TO THE ENGINEER'S ATTENTION...
8. ALL IMPROVEMENTS SHOWN ON THESE PLANS SHALL BE CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE INFORMATION SHOWN ON THESE PLANS...
9. THE INTENT AND/OR INTERPRETATION OF THESE CONSTRUCTION PLANS IF REQUIRED, SHALL BE MADE BY THE ENGINEER OF RECORD...
10. ALL HORIZONTAL LAYOUT FOR SITE CONSTRUCTION SHALL BE BASED ON THE APPROVED PLAN AND/OR PLAT, AND PERFORMED BY QUALIFIED PERSONNEL...
11. ALL ELEVATIONS REFER TO THE DATUM AS INDICATED ON THE SURVEY (BY OTHERS)...
12. THE CONTRACTOR SHALL TAKE CARE DURING THE CONSTRUCTION TO AVOID DISTURBING ANY EXISTING SURVEY MONUMENTS...
13. THE CONTRACTOR SHALL HIRE A PROFESSIONAL TESTING LABORATORY AS NECESSARY TO PERFORM ALL TESTS REQUIRED BY THIS CONSTRUCTION...
14. THE CONTRACTOR SHALL NOTIFY AMERICAN CIVIL ENGINEERING COMPANY 24 HOURS IN ADVANCE PRIOR TO ANY TESTING AND SUPPLY ENGINE WITH REQUIRED TEST RESULTS...
15. THE DESIGN AND ENGINEERING OF THIS PROJECT IS BASED ON INFORMATION SUPPLIED BY OTHERS...
16. EXISTING SOIL CONDITIONS WHICH DIFFER FROM THE SOILS REPORT SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER AT THE TIME OF DISCOVERY...
17. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS CONTROLLING POLLUTION OF THE ENVIRONMENT AND EROSION/SEDIMENT CONTROL...
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE BUFFER AND RETENTION AND DETENTION FACILITIES UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNER...
19. ANY FUEL STORAGE AREAS SHALL HAVE PRIOR OWNERS APPROVAL AND APPROPRIATE MEASURES SHALL BE TAKEN TO INSURE PROTECTION OF GROUNDWATER AND SOIL RESOURCES...
20. SITE WORK PERFORMED ON THIS PROJECT SHALL INTERFACE SMOOTHLY WITH OTHER WORK BEING PERFORMED ON SITE BY OTHER CONTRACTORS TO COORDINATE AND SCHEDULE HIS ACTIVITIES...
21. THE INFORMATION ON THESE CONSTRUCTION PLANS ARE SUBJECT TO APPROVAL BY THE CITY, COUNTY, STATE AND FEDERAL AGENCIES...
22. ALL CONSTRUCTION DEBRIS AND OTHER WASTE MATERIAL SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH APPLICABLE REGULATIONS...
23. THE EXISTENCE AND LOCATION OF EXISTING UNDERGROUND UTILITIES ARE NOT GUARANTEED AND SHALL BE INVESTIGATED AND VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO INSTALLATION OF UNDERGROUND PIPES, FOOTERS OR EXCAVATION...
24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL COST WHICH MAY OCCUR DUE TO ANY DAMAGES CAUSED BY THE CONTRACTOR TO EXISTING UTILITY STRUCTURES OR PROPERTY...
25. THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION IN AREAS OF BURIED UTILITIES AND SHALL PROVIDE AT LEAST 48 HOURS NOTICE TO THE VARIOUS AFFECTED UTILITY COMPANIES IN ORDER TO PERMIT MARKING THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES IN ADVANCE OF CONSTRUCTION...
26. CHAPTER 77-153 OF THE FLORIDA STATUTES REQUIRES THAT AN EXCAVATOR NOTIFY ALL GAS UTILITIES A MINIMUM OF TWO WORKING DAYS PRIOR TO EXCAVATION...
27. THE CONTRACTOR SHALL NOTIFY ALL APPROPRIATE UTILITY COMPANIES OF THE PROPOSED START OF WORK IN ACCORDANCE WITH THEIR STANDARD REQUIREMENTS...
28. UPON NOTICE FROM THE CONTRACTOR THAT CONSTRUCTION IS COMPLETE AND READY FOR ACCEPTANCE, THE ENGINEER SHALL MAKE FINAL INSPECTION AND NOTIFY THE CONTRACTOR AND OWNER OF ANY INCOMPLETE AND/OR DEFECTIVE WORK...
29. THE CONTRACTOR SHALL MAINTAIN A COPY OF THE APPROVED PLANS AND PERMITS AT THE CONSTRUCTION SITE...
30. THE CONTRACTOR SHALL PROVIDE COMPLETE 'AS-BUILT' INFORMATION TO THE ENGINEER RELATIVE TO THE LOCATION OF ALL WATER LINES, WATER SERVICES, VALVES, SEWER LINES, SEWER SERVICES, STORM LINES, INVERTS OF STRUCTURES, FINAL RETENTION AREAS, FINISH PAVEMENT GRADES AND CONSTRUCTION BENCH MARKS FOR VERIFICATION...
31. ENGINEER TO PROVIDE RECORD DRAWINGS AND CERTIFICATIONS TO THE ISSUED PERMITS.

48 HOURS BEFORE DIGGING CALL TOLL FREE 811 SUNSHINE STATE ONE CALL OF FLORIDA, INC.

SEC. B EARTHWORK:

- 1. EXISTING TOPOGRAPHY AND CONTOURS ARE BASED ON THE SURVEY (BY OTHERS)...
2. A GEOTECHNICAL SOILS REPORT HAS BEEN PREPARED FOR THIS PROJECT...
3. THE CONTRACTOR SHALL READ AND ADHERE TO ALL RECOMMENDATIONS CONTAINED IN THE SOILS REPORT...
4. EXISTING TREES, PLANTS AND SHRUBS WHICH ARE MARKED OR DESIGNATED AS PART OF THE LANDSCAPING SHALL BE CAREFULLY PROTECTED DURING CONSTRUCTION...
5. DURING CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE ADEQUATE DRAINAGE AND PROPER SOIL EROSION CONTROL MEASURES, AS NECESSARY...
6. ALL SITE CLEARING AND GRUBBING SHALL BE PERFORMED IN ACCORDANCE WITH SECTION 110 OF FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION...
7. ALL EXCAVATION AND EMBANKMENT SHALL BE PERFORMED IN ACCORDANCE WITH SECTION 120 OF THE FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION...
8. ALL FILL AREAS GREATER THAN 12 INCHES IN HEIGHT SHALL BE COMPACTED IN 12 INCH LIFTS...
9. ALL DISTURBED AREAS SHALL BE SEED AND MULCHED UNLESS OTHERWISE NOTED ON THESE PLANS...
10. ALL DESIGNATED AREAS TO BE SOODED PER THE PLANS SHALL BE PERFORMED IN ACCORDANCE WITH SECTION 575 OF THE F.D.O.T. SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION...
11. THE CONTRACTOR SHALL NOT COMPACT, STABILIZE, OR CONSTRUCT BASE COURSE WITHIN LANDSCAPE ISLANDS OR 4 INCHES...
12. FINISH FLOOR ELEVATIONS ARE TYPICALLY 4 INCHES ABOVE DESIGN FINISHED GRADE AT OUTSIDE PERIMETER OF BUILDINGS EXCEPT AT ENTRANCES AND WHERE OTHERWISE SHOWN ON THE GRADING PLAN...
13. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO CONTROL DUST, MUD AND EROSION DURING CONSTRUCTION...
14. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE EXISTING SITE AND SOIL CONDITIONS AND DETERMINE IF ANY OFF-SITE MATERIALS WILL NEED TO BE IMPORTED TO ACHIEVE THE GRADES SPECIFIED ON THE PLANS...
15. ALL EXCESS FILL FROM THE SITE SHALL BE STOCKPILED BY THE CONTRACTOR...
16. ALL AREAS INDICATED SHALL BE COMPLETELY CLEAR OF ALL TIMBER, BRUSH, STUMPS PRIOR TO ANY TESTING...
17. PRIOR TO BID PREPARATION, THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE OVERALL SITE CONDITIONS AND PERFORM ADDITIONAL INVESTIGATIONS AS DETERMINED...
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE BUFFER AND RETENTION AND DETENTION FACILITIES UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNER...
19. ANY FUEL STORAGE AREAS SHALL HAVE PRIOR OWNERS APPROVAL AND APPROPRIATE MEASURES SHALL BE TAKEN TO INSURE PROTECTION OF GROUNDWATER AND SOIL RESOURCES...
20. SITE WORK PERFORMED ON THIS PROJECT SHALL INTERFACE SMOOTHLY WITH OTHER WORK BEING PERFORMED ON SITE BY OTHER CONTRACTORS...
21. THE INFORMATION ON THESE CONSTRUCTION PLANS ARE SUBJECT TO APPROVAL BY THE CITY, COUNTY, STATE AND FEDERAL AGENCIES...
22. ALL CONSTRUCTION DEBRIS AND OTHER WASTE MATERIAL SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH APPLICABLE REGULATIONS...
23. THE EXISTENCE AND LOCATION OF EXISTING UNDERGROUND UTILITIES ARE NOT GUARANTEED AND SHALL BE INVESTIGATED AND VERIFIED IN THE FIELD BY THE CONTRACTOR...
24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL COST WHICH MAY OCCUR DUE TO ANY DAMAGES CAUSED BY THE CONTRACTOR TO EXISTING UTILITY STRUCTURES OR PROPERTY...
25. THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION IN AREAS OF BURIED UTILITIES AND SHALL PROVIDE AT LEAST 48 HOURS NOTICE TO THE VARIOUS AFFECTED UTILITY COMPANIES...
26. CHAPTER 77-153 OF THE FLORIDA STATUTES REQUIRES THAT AN EXCAVATOR NOTIFY ALL GAS UTILITIES A MINIMUM OF TWO WORKING DAYS PRIOR TO EXCAVATION...
27. THE CONTRACTOR SHALL NOTIFY ALL APPROPRIATE UTILITY COMPANIES OF THE PROPOSED START OF WORK...
28. UPON NOTICE FROM THE CONTRACTOR THAT CONSTRUCTION IS COMPLETE AND READY FOR ACCEPTANCE, THE ENGINEER SHALL MAKE FINAL INSPECTION...
29. THE CONTRACTOR SHALL MAINTAIN A COPY OF THE APPROVED PLANS AND PERMITS AT THE CONSTRUCTION SITE...
30. THE CONTRACTOR SHALL PROVIDE COMPLETE 'AS-BUILT' INFORMATION TO THE ENGINEER...
31. ENGINEER TO PROVIDE RECORD DRAWINGS AND CERTIFICATIONS TO THE ISSUED PERMITS.

SEC. C DRAINAGE:

- 1. ALL DRAINAGE RELATED CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT PERMIT ISSUED FOR THIS PROJECT...
2. ALL DRAINAGE STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH F.D.O.T. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION...
3. THE ABOVE F.D.O.T. CONSTRUCTION DETAILS ARE HEREBY INCORPORATED THESE PLANS BY REFERENCE...
4. PIPE LENGTHS SHOWN REPRESENT SCALED DIMENSIONS BETWEEN CENTER-LINES OF DRAINAGE STRUCTURES AND FROM END OF HEADWALLS AND INTERFERED END SECTIONS...
5. ALL STORMWATER DRAINAGE PIPES SHALL BE REINFORCED CONCRETE PIPE (ASTM C-76, CLASS B) UNLESS NOTED OTHERWISE.

SEC. D PAVING:

- 1. ALL PAVEMENT CONSTRUCTION SHALL BE IN ACCORDANCE WITH F.D.O.T. CURRENT CONSTRUCTION SPECIFICATIONS...
2. ALL PAVED SURFACES IN INTERSECTIONS AND ADJACENT SECTIONS SHALL BE GRADING TO DRAIN POSITIVELY IN THE DIRECTION SHOWN BY THE FLOW ARROWS ON THE PLANS...
3. IT MAY BE NECESSARY TO FIELD ADJUST PAVEMENT ELEVATIONS TO PRESERVE THE ROOT SYSTEMS OF TREES SHOWN TO BE SAVED...
4. PRIOR TO CONSTRUCTING CONCRETE PAVEMENT, THE CONTRACTOR IS TO SUBMIT A PROPOSED JOINTING PATTERN TO THE ENGINEER FOR APPROVAL...
5. THE CONTRACTOR IS TO PROVIDE A 1/2" BITUMINOUS EXPANSION JOINT MATERIAL AT ABUTMENT OF CONCRETE AND ANY STRUCTURE...
6. ALL ON-SITE PAVEMENT MARKINGS SHALL BE MADE WITH NON-THERMOPLASTIC PAINT TO FOOT STANDARD SPECIFICATIONS...
7. THE CONTRACTOR IS TO INSTALL EXTRA BASE MATERIAL WHEN THE DISTANCE BETWEEN THE PAVEMENT ELEVATION AND THE TOP OF THE PIPE OR BELL IS LESS THAN 12 INCHES...
8. CURBING SHALL BE CONSTRUCTED WHERE NOTED ON THE CONSTRUCTION PLANS...
9. PAVEMENT MARKINGS AND SIGNAGE SHALL BE PROVIDED AS SHOWN ON THE CONSTRUCTION PLANS...
10. A MINIMUM OF 2-WAY TRAFFIC SHALL BE MAINTAINED IN THE WORK SITE AREA...
11. ENGINEER TO PROVIDE RECORD DRAWINGS AND CERTIFICATIONS TO THE ISSUED PERMITS.

SEC. E EROSION CONTROL:

- 1. APPROVED EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY CLEARING, GRADING, EXCAVATION, FILLING OR OTHER LAND DISTURBING ACTIVITIES...
2. DURING CONSTRUCTION, THE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO INSURE AGAINST POLLUTING, SILTING OR DISTURBING TO SUCH AN EXTENT AS TO CAUSE AN INCREASE IN TURBIDITY...
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE BUFFER AND RETENTION AND DETENTION FACILITIES UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNER...
4. THE CONTRACTOR SHALL MAINTAIN A COPY OF THE APPROVED PLANS AND PERMITS AT THE CONSTRUCTION SITE...
5. THE CONTRACTOR SHALL PROVIDE COMPLETE 'AS-BUILT' INFORMATION TO THE ENGINEER...
6. ALL CONSTRUCTION DEBRIS AND OTHER WASTE MATERIAL SHALL BE DISPOSED OF OFF-SITE...
7. THE EXISTENCE AND LOCATION OF EXISTING UNDERGROUND UTILITIES ARE NOT GUARANTEED...
8. UPON NOTICE FROM THE CONTRACTOR THAT CONSTRUCTION IS COMPLETE AND READY FOR ACCEPTANCE, THE ENGINEER SHALL MAKE FINAL INSPECTION...
9. THE CONTRACTOR SHALL MAINTAIN A COPY OF THE APPROVED PLANS AND PERMITS AT THE CONSTRUCTION SITE...
10. THE CONTRACTOR SHALL PROVIDE COMPLETE 'AS-BUILT' INFORMATION TO THE ENGINEER...
11. ENGINEER TO PROVIDE RECORD DRAWINGS AND CERTIFICATIONS TO THE ISSUED PERMITS.

SEC. F DRY POND & SWALE RETENTION AREAS:

- 1. THE CONTRACTOR SHALL INSPECT ALL EROSION AND SEDIMENT CONTROL SYSTEMS FOR CONFORMANCE WITH THE SITE CONSTRUCTION PLANS AND FIELD CHANGES...
2. THE CONTRACTOR SHALL REPAIR ALL EROSION AND SEDIMENT CONTROL SYSTEMS AS REQUIRED FOR CONTINUED FUNCTION...
3. MUD RETENTION AREAS REGULARLY TO MAINTAIN WEED OVERGROWTH AND PROMOTE TURTLE GROWTH...
4. INSPECT RETENTION AREAS PERIODICALLY FOR ACCUMULATION OF DEBRIS AND TRASH...
5. INSPECT RETENTION AREA BOTTOMS FOR DEPOSITS OF SAND AND/OR SILT AND REMOVE...
6. REPAIR EXCAVATED MATERIAL WITH CLEAN SAND MATERIAL TO DESIGN GRADE AND SEED AND MULCH OR COVER WITH NON-MUCK GROWN SOO...
7. THE CONTRACTOR SHALL MAINTAIN A COPY OF THE APPROVED PLANS AND PERMITS AT THE CONSTRUCTION SITE...
8. THE CONTRACTOR SHALL PROVIDE COMPLETE 'AS-BUILT' INFORMATION TO THE ENGINEER...
9. ALL CONSTRUCTION DEBRIS AND OTHER WASTE MATERIAL SHALL BE DISPOSED OF OFF-SITE...
10. THE EXISTENCE AND LOCATION OF EXISTING UNDERGROUND UTILITIES ARE NOT GUARANTEED...
11. UPON NOTICE FROM THE CONTRACTOR THAT CONSTRUCTION IS COMPLETE AND READY FOR ACCEPTANCE, THE ENGINEER SHALL MAKE FINAL INSPECTION...
12. THE CONTRACTOR SHALL MAINTAIN A COPY OF THE APPROVED PLANS AND PERMITS AT THE CONSTRUCTION SITE...
13. THE CONTRACTOR SHALL PROVIDE COMPLETE 'AS-BUILT' INFORMATION TO THE ENGINEER...
14. ENGINEER TO PROVIDE RECORD DRAWINGS AND CERTIFICATIONS TO THE ISSUED PERMITS.

SEC. G WORKS IN PUBLIC RIGHT-OF-WAY:

- 1. ALL LOCAL, STATE AND FEDERAL ORDINANCES, POLICES AND/OR OTHER REGULATIONS REGARDING TRAFFIC AND PEDESTRIAN TEMPORARY BARRICADES, LIGHTS, SIGNALS, SIGNAGE ETC., SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR...
2. PRIOR TO COMMENCING WORK THE CONTRACTOR SHALL FURNISH, ERECT AND MAINTAIN ALL BARRICADES, WARNING SIGNS, AND MARKINGS FOR HAZARDS AND THE CONTROL OF TRAFFIC IN REASONABLE CONFORMANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES...
3. THE CONTRACTOR SHALL CONTROL HIS OPERATIONS AND THOSE OF HIS SUBCONTRACTORS AND ALL SUPPLIERS TO INSURE THE LEAST INCONVENIENCE TO THE TRAVELING PUBLIC...
4. THE CONTRACTOR SHALL COMPLY WITH ALL LEGAL ROAD RESTRICTIONS IN THE HAULING OF MATERIALS IN PUBLIC ROADS...
5. ALL STRIPING SHALL BE THERMOPLASTIC AND SHALL MEET THE REQUIREMENTS OF FOOT SPECIFICATIONS AND SUPPLEMENTS...
6. REFLECTIVE PAVEMENT MARKERS SHALL MEET THE REQUIREMENTS OF FOOT SPECIFICATIONS AND SUPPLEMENTS...
7. ALL SIGNS WITHIN FOOT RIGHT-OF-WAY SHALL MEET THE REQUIREMENTS OF FOOT SPECIFICATIONS AND SUPPLEMENTS...
8. REFLECTIVE PAVEMENT MARKERS SHALL BE PLACED IN ACCORDANCE WITH CURRENT FOOT STANDARDS.

SEC. H SAFETY:

- 1. DURING THE CONSTRUCTION AND/OR MAINTENANCE OF THIS PROJECT, ALL SAFETY REGULATIONS ARE TO BE ENFORCED BY THE CONTRACTOR...
2. THE MINIMUM STANDARDS AS SET FORTH IN THE CURRENT EDITION OF THE STATE OF FLORIDA MANUAL ON TRAFFIC CONTROL AND SAFE PRACTICES FOR STREET AND HIGHWAY CONSTRUCTION, MAINTENANCE AND UTILITY OPERATIONS...
3. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY AND ENFORCE ALL APPLICABLE SAFETY REGULATIONS...
4. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND LICENSES FOR PERFORMING THE DEMOLITION WORK...
5. THE CONTRACTOR SHALL MODIFY ALL UTILITY COMPANIES OR LOCAL AUTHORITIES FURNISHING GAS, WATER, ELECTRICAL, TELEPHONE, OR UTILITY/SEWER SERVICE...
6. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL TREES, STRUCTURES, AND UTILITIES NOT MARKED FOR REMOVAL OR DEMOLITION...
7. THE CONTRACTOR SHALL REMOVE ALL TREES MARKED FOR REMOVAL WHICH INCLUDES THE ROOTS ASSOCIATED WITH THE TREE...
8. THE CONTRACTOR IS TO REMOVE ALL UNSALVAGEABLE MATERIALS AND YARD WASTE FROM THE SITE...
9. THE CONTRACTOR SHALL SHAW-CUT A SMOOTH STRAIGHT EDGE ON ANY PAVEMENT PROPOSED FOR DEMOLITION PRIOR TO ITS REMOVAL...
10. THE ENGINEER RESERVES THE RIGHT TO REQUIRE THE CONTRACTOR TO UNCOVER, RE-TEST AND/OR PERFORM ANY ACTION NECESSARY TO ENSURE THAT THE IMPROVEMENTS HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS...
11. THE CONTRACTOR SHALL COORDINATE ALL BACKFILL OPERATIONS WITH THE PROJECT SOILS ENGINEER...
12. THE CONTRACTOR SHALL RECOGNIZE AND ABIDE BY ALL OSHA EXCAVATION SAFETY STANDARDS...
13. FLORIDA LAW (633.885) REQUIRES THAT PERSONS MAKING EXCAVATIONS IN PUBLIC OR PRIVATE STREETS, ALLEYS, RIGHT-OF-WAY OR UTILITY EASEMENTS WITH HAND TOOLS OR POWER EQUIPMENT MUST FIRST OBTAIN INFORMATION ON THE LOCATION OF UNDERGROUND UTILITIES...
14. ALL WORK SHALL BE OPEN TO AND SUBJECT TO INSPECTION...
15. THE CONTRACTOR SHALL COORDINATE THE INSTALLATIONS OF UTILITY CONDUITS UNDER PAVED AREAS WITH EACH UTILITY COMPANY PRIOR TO BASE INSTALLATION...
16. ALL DEMATERING COSTS ASSOCIATED WITH THE INSTALLATION AND CONSTRUCTION OF THE UNDERGROUND UTILITIES...
17. ALL SEWER COLLECTION SYSTEM RELATED ITEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH LOCAL STANDARDS...
18. IF UNSALVAGEABLE MATERIAL IN THE VICINITY OF SANITARY SEWER LINES ARE FOUND DURING CONSTRUCTION...
19. PRIOR TO COMMENCING WORK WHICH REQUIRES CONNECTING NEW WORK TO EXISTING LINES OR APPURTENANCES...
20. ALL SANITARY SEWER COVERS SHALL BE TRAFFIC RATED FOR H-20 LOADING...
21. THE CONTRACTOR SHALL PROVIDE CERTIFIED UTILITY RECORD DRAWINGS, SIGNED AND SEALED BY A PROFESSIONAL LAND SURVEYOR...
22. THE CONTRACTOR SHALL PERFORM AN INTRUSION/EXFILTRATION TEST ON ALL GRANULAR SEWER IN ACCORDANCE WITH THE REGULATION AGENCY HAVING JURISDICTION...
23. THE CONTRACTOR SHALL PERFORM A HYDROSTATIC PRESSURE TEST IN ACCORDANCE WITH THE REGULATION AGENCY HAVING JURISDICTION...
24. ALL FORCEMAIN SHALL BE SUBJECT TO A HYDROSTATIC PRESSURE TEST IN ACCORDANCE WITH THE REGULATION AGENCY HAVING JURISDICTION.

SEC. I UNDERGROUND UTILITIES:

- 1. THE ENGINEER RESERVES THE RIGHT TO REQUIRE THE CONTRACTOR TO UNCOVER, RE-TEST AND/OR PERFORM ANY ACTION NECESSARY TO ENSURE THAT THE IMPROVEMENTS HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS...
2. THE CONTRACTOR SHALL COORDINATE ALL BACKFILL OPERATIONS WITH THE PROJECT SOILS ENGINEER...
3. THE CONTRACTOR SHALL RECOGNIZE AND ABIDE BY ALL OSHA EXCAVATION SAFETY STANDARDS...
4. FLORIDA LAW (633.885) REQUIRES THAT PERSONS MAKING EXCAVATIONS IN PUBLIC OR PRIVATE STREETS, ALLEYS, RIGHT-OF-WAY OR UTILITY EASEMENTS WITH HAND TOOLS OR POWER EQUIPMENT MUST FIRST OBTAIN INFORMATION ON THE LOCATION OF UNDERGROUND UTILITIES...
5. ALL WORK SHALL BE OPEN TO AND SUBJECT TO INSPECTION...
6. THE CONTRACTOR SHALL COORDINATE THE INSTALLATIONS OF UTILITY CONDUITS UNDER PAVED AREAS WITH EACH UTILITY COMPANY PRIOR TO BASE INSTALLATION...
7. ALL DEMATERING COSTS ASSOCIATED WITH THE INSTALLATION AND CONSTRUCTION OF THE UNDERGROUND UTILITIES...
8. ALL SEWER COLLECTION SYSTEM RELATED ITEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH LOCAL STANDARDS...
9. IF UNSALVAGEABLE MATERIAL IN THE VICINITY OF SANITARY SEWER LINES ARE FOUND DURING CONSTRUCTION...
10. PRIOR TO COMMENCING WORK WHICH REQUIRES CONNECTING NEW WORK TO EXISTING LINES OR APPURTENANCES...
11. ALL SANITARY SEWER COVERS SHALL BE TRAFFIC RATED FOR H-20 LOADING...
12. THE CONTRACTOR SHALL PROVIDE CERTIFIED UTILITY RECORD DRAWINGS, SIGNED AND SEALED BY A PROFESSIONAL LAND SURVEYOR...
13. THE CONTRACTOR SHALL PERFORM AN INTRUSION/EXFILTRATION TEST ON ALL GRANULAR SEWER IN ACCORDANCE WITH THE REGULATION AGENCY HAVING JURISDICTION...
14. THE CONTRACTOR SHALL PERFORM A HYDROSTATIC PRESSURE TEST IN ACCORDANCE WITH THE REGULATION AGENCY HAVING JURISDICTION.

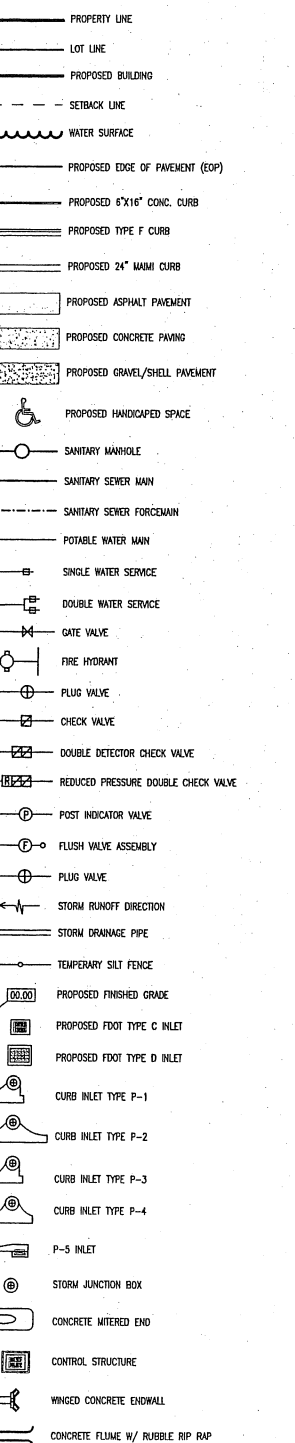
SEC. J SANITARY SEWER SYSTEM:

- 1. ALL SEWER COLLECTION SYSTEM RELATED ITEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH LOCAL STANDARDS...
2. IF UNSALVAGEABLE MATERIAL IN THE VICINITY OF SANITARY SEWER LINES ARE FOUND DURING CONSTRUCTION...
3. PRIOR TO COMMENCING WORK WHICH REQUIRES CONNECTING NEW WORK TO EXISTING LINES OR APPURTENANCES...
4. ALL SANITARY SEWER COVERS SHALL BE TRAFFIC RATED FOR H-20 LOADING...
5. THE CONTRACTOR SHALL PROVIDE CERTIFIED UTILITY RECORD DRAWINGS, SIGNED AND SEALED BY A PROFESSIONAL LAND SURVEYOR...
6. THE CONTRACTOR SHALL PERFORM AN INTRUSION/EXFILTRATION TEST ON ALL GRANULAR SEWER IN ACCORDANCE WITH THE REGULATION AGENCY HAVING JURISDICTION...
7. THE CONTRACTOR SHALL PERFORM A HYDROSTATIC PRESSURE TEST IN ACCORDANCE WITH THE REGULATION AGENCY HAVING JURISDICTION.

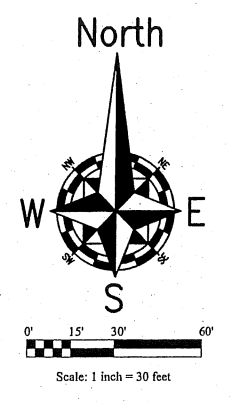
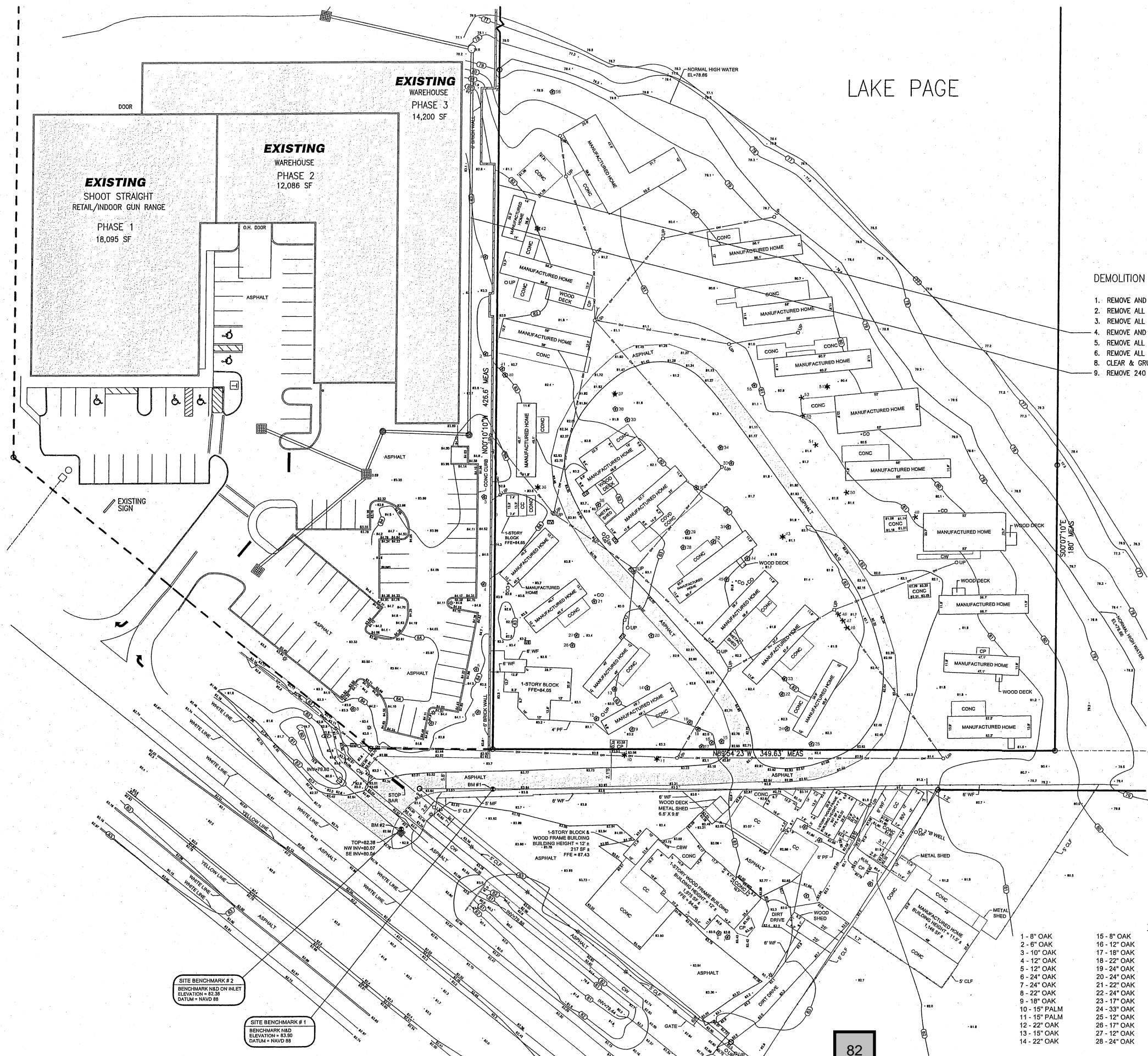
SEC. K WATER DISTRIBUTION:

- 1. ALL WATER DISTRIBUTION SYSTEM RELATED ITEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LOCAL UTILITIES PROVIDER REQUIREMENTS...
2. ALL MATERIALS FURNISHED BY THE CONTRACTOR UNDER THIS SECTION SHALL BE NEW, HIGH GRADE AND FREE FROM DEFECTS...
3. PRESSURE AND LEAKAGE TESTS FOR NEWLY-INSTALLED WATER DISTRIBUTION SYSTEM PRESSURE PIPES AND APPURTENANCES SHALL BE PERFORMED IN CONFORMANCE WITH F.D.E.P. AND LOCAL UTILITIES PROVIDER...
4. ALL WATER LINES SHALL BE INSTALLED IN A DRY TRENCH...
5. PRESSURE AND LEAKAGE TESTS FOR NEWLY-INSTALLED WATER DISTRIBUTION SYSTEM PRESSURE PIPES AND APPURTENANCES SHALL BE PERFORMED IN CONFORMANCE WITH CITY, COUNTY AND FOOT STANDARDS...
6. DISINFECT POTABLE WATER MAINS IN ACCORDANCE WITH AWWA C651 STANDARD PROCEDURES FOR DISINFECTING WATER MAINS...
7. ALL PVC PIPE MUST BEAR THE NSF LOGO FOR POTABLE WATER USE...
8. PRIOR TO THE CONNECTION TO ANY EXISTING MAIN, THE PROPOSED WATER MAIN SHALL BE DISINFECTED, HAVE ENGINEER APPROVED PRESSURE TESTING AND HAVE DEEP CLEARANCE...
9. THE WATERMANS SHALL BE INSTALLED AS NOTED ON THE PLANS...
10. THE ENGINEER RESERVES THE RIGHT TO REQUIRE THE CONTRACTOR TO UNCOVER, RE-TEST AND/OR PERFORM ANY ACTION NECESSARY TO ENSURE THAT THE IMPROVEMENTS HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS...
11. THE CONTRACTOR SHALL COORDINATE ALL BACKFILL OPERATIONS WITH THE PROJECT SOILS ENGINEER...
12. THE CONTRACTOR SHALL RECOGNIZE AND ABIDE BY ALL OSHA EXCAVATION SAFETY STANDARDS...
13. FLORIDA LAW (633.885) REQUIRES THAT PERSONS MAKING EXCAVATIONS IN PUBLIC OR PRIVATE STREETS, ALLEYS, RIGHT-OF-WAY OR UTILITY EASEMENTS WITH HAND TOOLS OR POWER EQUIPMENT MUST FIRST OBTAIN INFORMATION ON THE LOCATION OF UNDERGROUND UTILITIES...
14. ALL WORK SHALL BE OPEN TO AND SUBJECT TO INSPECTION...
15. THE CONTRACTOR SHALL COORDINATE THE INSTALLATIONS OF UTILITY CONDUITS UNDER PAVED AREAS WITH EACH UTILITY COMPANY PRIOR TO BASE INSTALLATION...
16. ALL DEMATERING COSTS ASSOCIATED WITH THE INSTALLATION AND CONSTRUCTION OF THE UNDERGROUND UTILITIES...
17. ALL SEWER COLLECTION SYSTEM RELATED ITEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH LOCAL STANDARDS...
18. IF UNSALVAGEABLE MATERIAL IN THE VICINITY OF SANITARY SEWER LINES ARE FOUND DURING CONSTRUCTION...
19. PRIOR TO COMMENCING WORK WHICH REQUIRES CONNECTING NEW WORK TO EXISTING LINES OR APPURTENANCES...
20. ALL SANITARY SEWER COVERS SHALL BE TRAFFIC RATED FOR H-20 LOADING...
21. THE CONTRACTOR SHALL PROVIDE CERTIFIED UTILITY RECORD DRAWINGS, SIGNED AND SEALED BY A PROFESSIONAL LAND SURVEYOR...
22. THE CONTRACTOR SHALL PERFORM AN INTRUSION/EXFILTRATION TEST ON ALL GRANULAR SEWER IN ACCORDANCE WITH THE REGULATION AGENCY HAVING JURISDICTION...
23. THE CONTRACTOR SHALL PERFORM A HYDROSTATIC PRESSURE TEST IN ACCORDANCE WITH THE REGULATION AGENCY HAVING JURISDICTION.

LEGEND:



AMERICAN CIVIL ENGINEERING CO. ENGINEERING CO. GENERAL NOTES Shoot Straight Warehouse Addition-Ph. 4 APOPKA, FLORIDA JUL 21 2017 GENERAL NOTES project no. 1205# sheet number 2 of 15

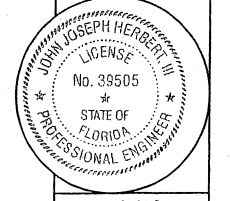


- DEMOLITION ITEMS:**
1. REMOVE AND DISPOSE OF ALL EXISTING MOBILE HOMES ON SITE.
 2. REMOVE ALL EXISTING ABOVE GROUND AND BURIED UTILITIES.
 3. REMOVE ALL SEPTIC SYSTEMS PER ORANGE COUNTY REQUIREMENTS.
 4. REMOVE AND DISPOSE OF EXISTING BRICK WALL ALONG WEST PROP. LINE.
 5. REMOVE ALL TREES ON PROJECT SITE.
 6. REMOVE ALL EXISTING ASPHALT, CONCRETE AND BRICK PAVEMENT.
 7. CLEAR & GRUB ALL VEGETATION FROM PROJECT AREA EXCLUDING WETLANDS.
 8. REMOVE 240 LF 18" HDPE.

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ENGINEER: JOHN HERBERT, P.E.
CHECKED BY: TOM SGLTON, P.E.
TECHNICIAN: JANE HERBERT
DATE: 07/21/17
REV. PER APOPKA REVIEW: 08/25/17
REV. PER APOPKA REVIEW: 10/24/16
REV. PER APOPKA REVIEW: 10/24/16
DATE
REVISIONS
PROJECT NO. 12051

AMERICAN CIVIL ENGINEERING CO.
 207 N. JAMES RD., SUITE 201, WINTER SPRINGS, FL 32789
 PH. (407) 327-7700; FAX (407) 327-0227
 cert. of authorization number 8729

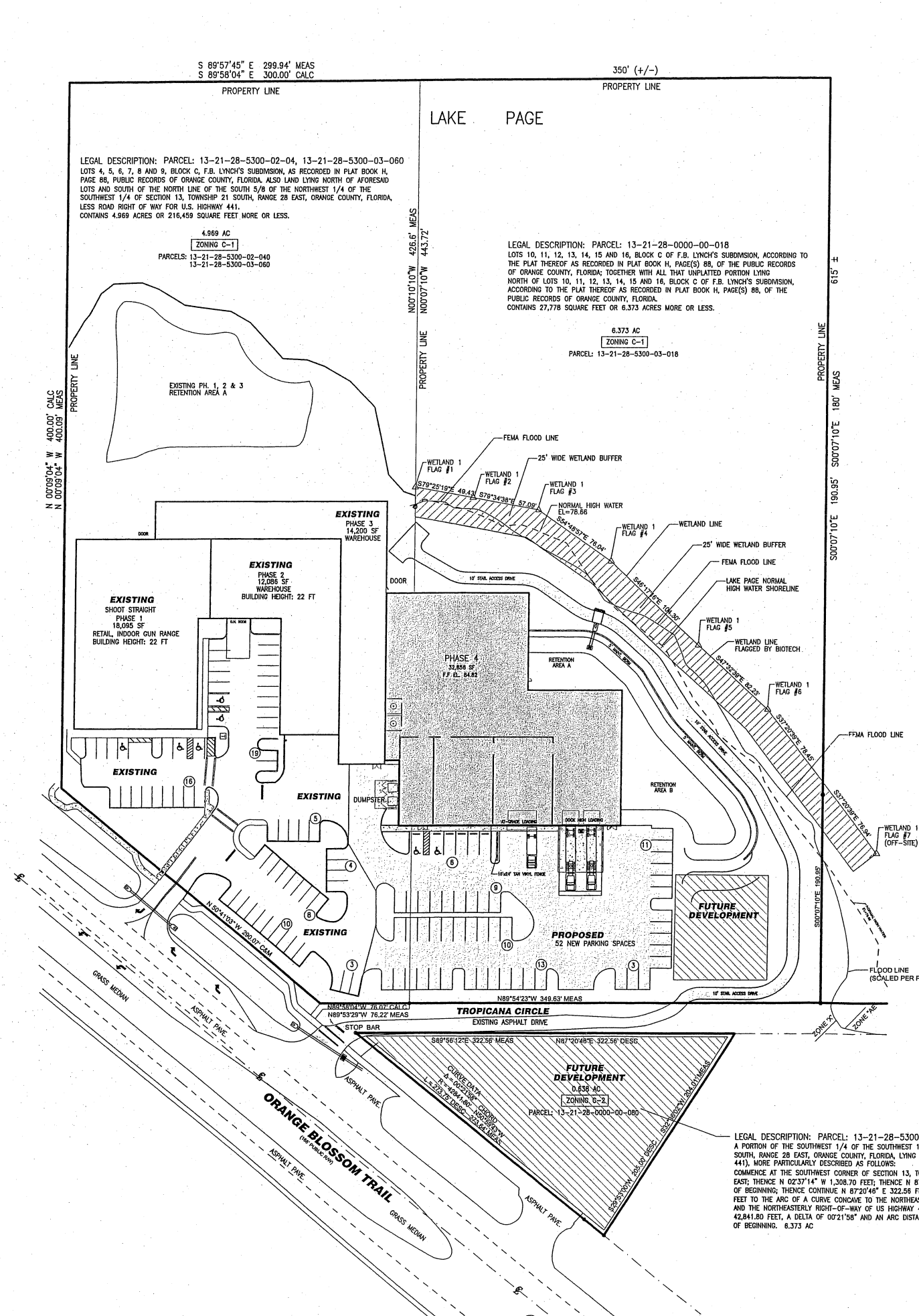
DEMOLITION PLAN
Shoot Straight Warehouse Addition-Ph. 4
 APOPKA, FLORIDA



JUL 21 2017
 project no. 12051
 sheet number
 3 of 15

TREE CHART

1- 8" OAK	15- 8" OAK	29- 24" OAK	43- 8" PALM
2- 6" OAK	16- 12" OAK	30- 18" OAK	44- 18" OAK
3- 10" OAK	17- 18" OAK	31- 18" OAK	45- 14" OAK
4- 12" OAK	18- 22" OAK	32- 15" OAK	46- 3-6" TREE
5- 12" OAK	19- 24" OAK	33- 33" OAK	47- 3-6" TREE
6- 24" OAK	20- 24" OAK	34- 36" OAK	48- 4-6" TREE
7- 24" OAK	21- 22" OAK	35- 27" OAK	49- 3-8" EVERGREEN
8- 22" OAK	22- 24" OAK	36- 16" PALM	50- 5-6" EVERGREEN
9- 18" OAK	23- 17" OAK	37- 14" PINE	51- 2-8" EVERGREEN
10- 15" PALM	24- 33" OAK	38- 27" OAK	52- 12" EVERGREEN
11- 15" PALM	25- 12" OAK	39- 27" OAK	53- 6" EVERGREEN
12- 22" OAK	26- 17" OAK	40- 24" OAK	54- 12" PALM
13- 15" OAK	27- 12" OAK	41- 18" OAK	55- 30" OAK
14- 22" OAK	28- 24" OAK	42- 17" MAGNOLIA	56- 18" OAK



SITE DATA INFORMATION:

PARCEL ID NUMBER	SEE SETBACK CHART (THIS SHEET)
FUTURE LAND USE	OVERALL SITE: 44,381 SF PHASE 4 32,856 SF
ZONING	SEE PARKING ANALYSIS (THIS SHEET)
ADJACENT LAND USE	NORTH: LAKE, SOUTH: COMMERCIAL, EAST: LAKE, WEST: HOTEL
ADJACENT ZONING	NORTH: AG, SOUTH: C-2, EAST: AG, WEST: C-1
ACRAGE / SQUARE FOOTAGE	6.373 AC / 277,608 SF
BUILDING HEIGHT	24'
BUILDING SETBACK	SEE SETBACK CHART (THIS SHEET)
BUILDING SQUARE FOOTAGE	OVERALL SITE: 44,381 SF PHASE 4 32,856 SF
PARKING SPACES	SEE PARKING ANALYSIS (THIS SHEET)
FLOOR AREA RATIO	PROPOSED: 77,237 SF/11,342 AC = 0.156 (ENTIRE SITE)
OPEN SPACE	6.723 AC 6.723 / 11.342 = 0.593 REQ. = 0.20
NO. OF EMPLOYEES	34
HOURS OF OPERATION	8:00 AM - 10:00 PM
WAVAR REQUEST:	NONE
VARIANCE REQUEST:	NONE

PROJECT PARKING ANALYSIS:

min. required	building area	total	
phase 1 parking (2001)	original store	office & retail	46
phase 2 parking (2012)	1 space per 1,000 sf	warehouse = 12,086 SF	12
	plus 1 sp. per 2 employees	6 employees	3
phase 3 parking (2014)	1 space per 1,000 sf	warehouse = 14,200 SF	14
	plus 1 sp. per 2 employees	6 employees	3
phase 4 parking (2016)	1 space per 1,000 sf	warehouse = 32,700 SF	33
	plus 1 sp. per 2 employees	12 employees	6
	required parking		117
	provided spaces		117

TOTAL NUMBER OF PARKING SPACES : 117 EACH
 MINIMUM NUMBER OF REQUIRED ADA PARKING SPACES : 5 EACH
 TOTAL NUMBER OF PROVIDED ADA ACCESSIBLE PARKING : 5 EACH

SITE DATA:

project name:	Shoot Straight Warehouse Addition - Phase 4
existing use:	mobile home park
proposed use:	32,856 sf of warehouse with 52 parking spaces
existing FLU:	COMM
proposed FLU:	COMM
existing zoning:	C-1
proposed zoning:	C-1
proposed F.A.R.:	0.75 / 6.373 = 0.12 (PH. 4 SITE)
FEMA:	LAKE PAGE IS WITHIN A FEMA FLOOD ZONE
WETLAND AREA:	3.528 ACRES
UPLAND AREA:	2.845 ACRES
TOTAL AREA:	6.380 ACRES
stormwater:	DESIGN STORM; 25 YEAR / 24 HOUR EVENT

BUILDING DATA:

warehouse:	32,856 sf
proposed use:	commercial - retail warehouse
type of construction:	Type II
occupancy classification:	Business Group B
F.B.C., Table 602:	fire separation distance > 30 ft.
hose lay distance:	less than 500 ft. (see sheet 5)
driveway clearance:	building height = 24 ft.

PROPOSED SITE CONDITIONS

Improvement	sq. feet	acres	% of property
proposed building footprint	32,856	0.754	26.4
existing building footprint	0	0	0
proposed asphalt	34,770	0.798	28.0
sidewalk area	750	0.017	0.6
total impervious area	68,376	1.570	55.0
total pervious area	55,708	1.279	45.0
total upland area	123,928	2.845	100

Setback Chart:

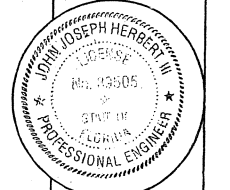
location	required	provided
north - rear	50 ft	50 ft
south - front	50 ft from C.L.	257 ft
east - side	10 ft	62.6 ft
west - side	10 ft	10 ft

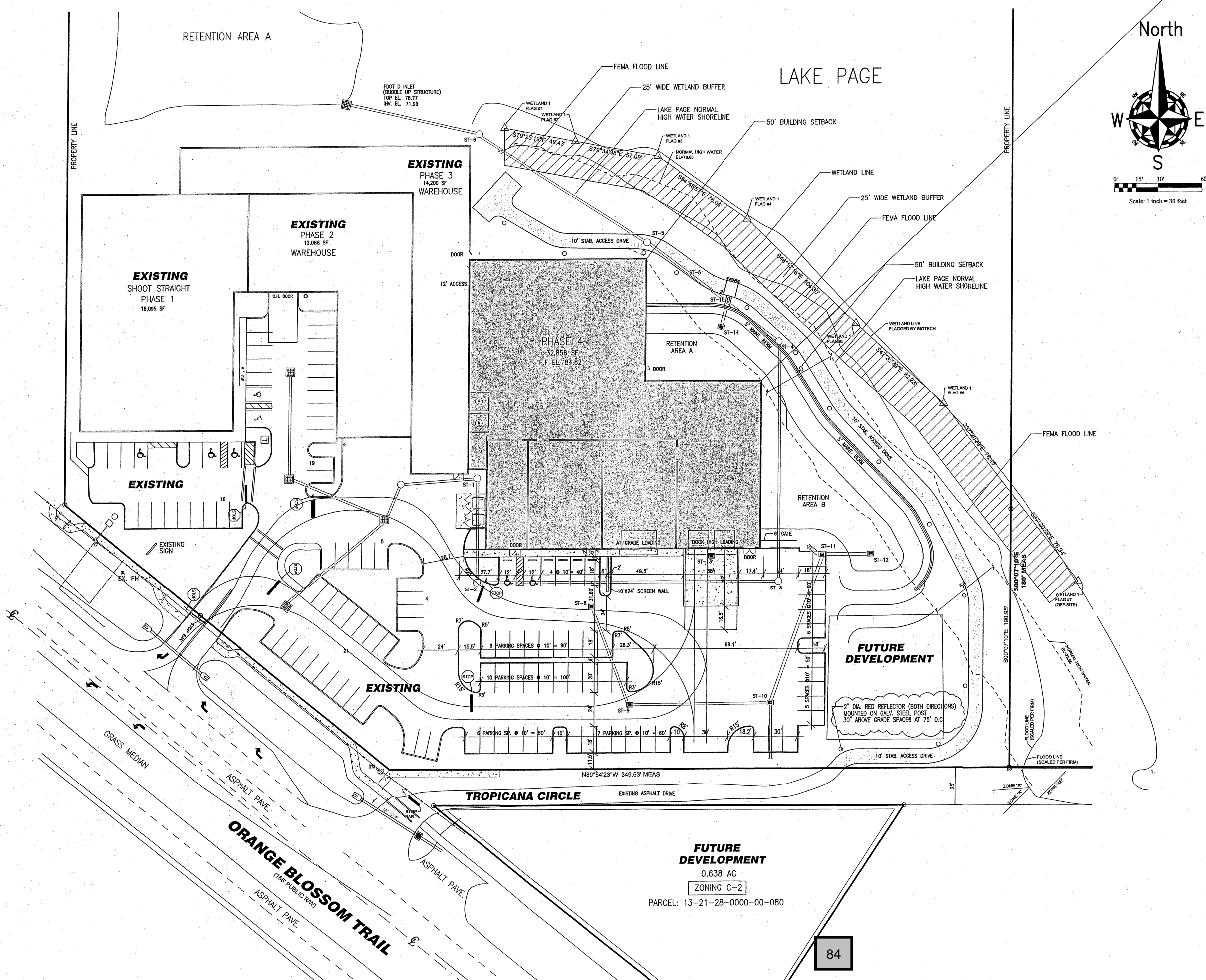
Bufferyard Chart:

location	required	provided
north - rear	5 ft	5 ft
south - front	10 ft	10 ft
east - side (non-res.)	10 ft	37 ft
west - side (non-res.)	5 ft	0 ft

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DEVELOPMENT PLAN
Shoot Straight Warehouse Addition-Ph. 4
 APOPKA, FLORIDA





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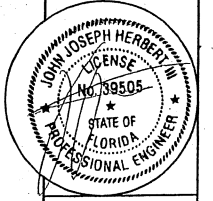
ENGINEER: JOHN HERBERT, P.E.
 CHECKED BY: TOM SKALON, P.E.
 TECHNICIAN: JAKE HERBERT

DATE	REVISIONS
07.21.17	CURRENT EDITION
05.24.17	REV. PER APOPKA REVIEW
	REVISED
	PROJECT NO. 12051

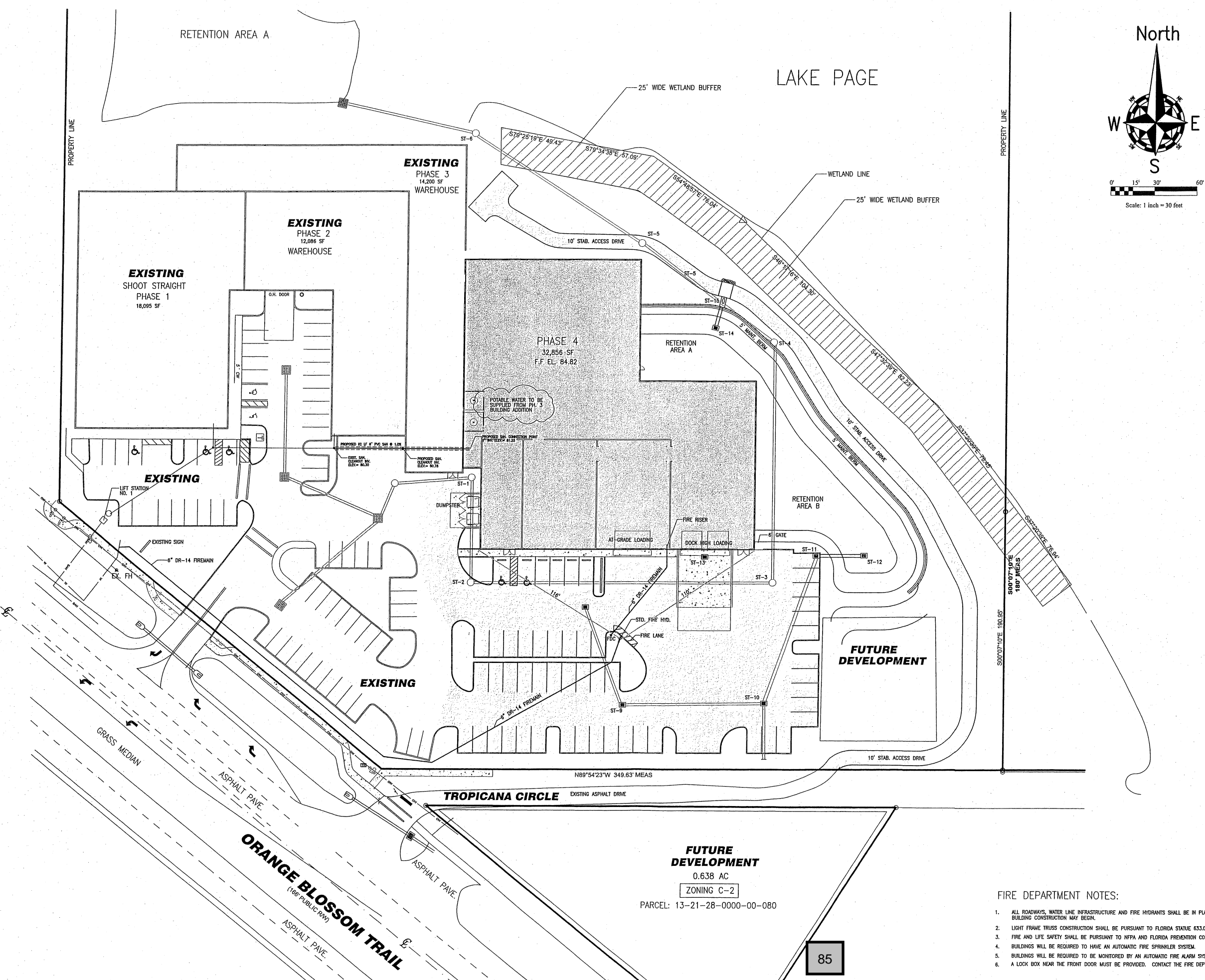
AMERICAN CIVIL ENGINEERING CO.
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cert. of authorization number 0728

SITE GEOMETRY PLAN
Shoot Straight Warehouse Addition-Ph. 4
 APOPKA, FLORIDA



JUL 21 2017
GEOMETRY
project no. 12051
sheet number
5 of 15



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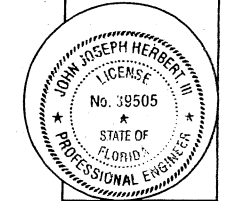
ENGINEER:	JOHN HERBERT, P.E.
CHECKED BY:	TOM SKELTON, P.E.
TECHNICIAN:	JAKE HERBERT
PROJECT NO.:	12051
DATE:	
REVISIONS:	
CURRENT EDITION:	07.21.17
REV. PER A/C/E/C/A REVIEW:	05.25.17

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number 8759

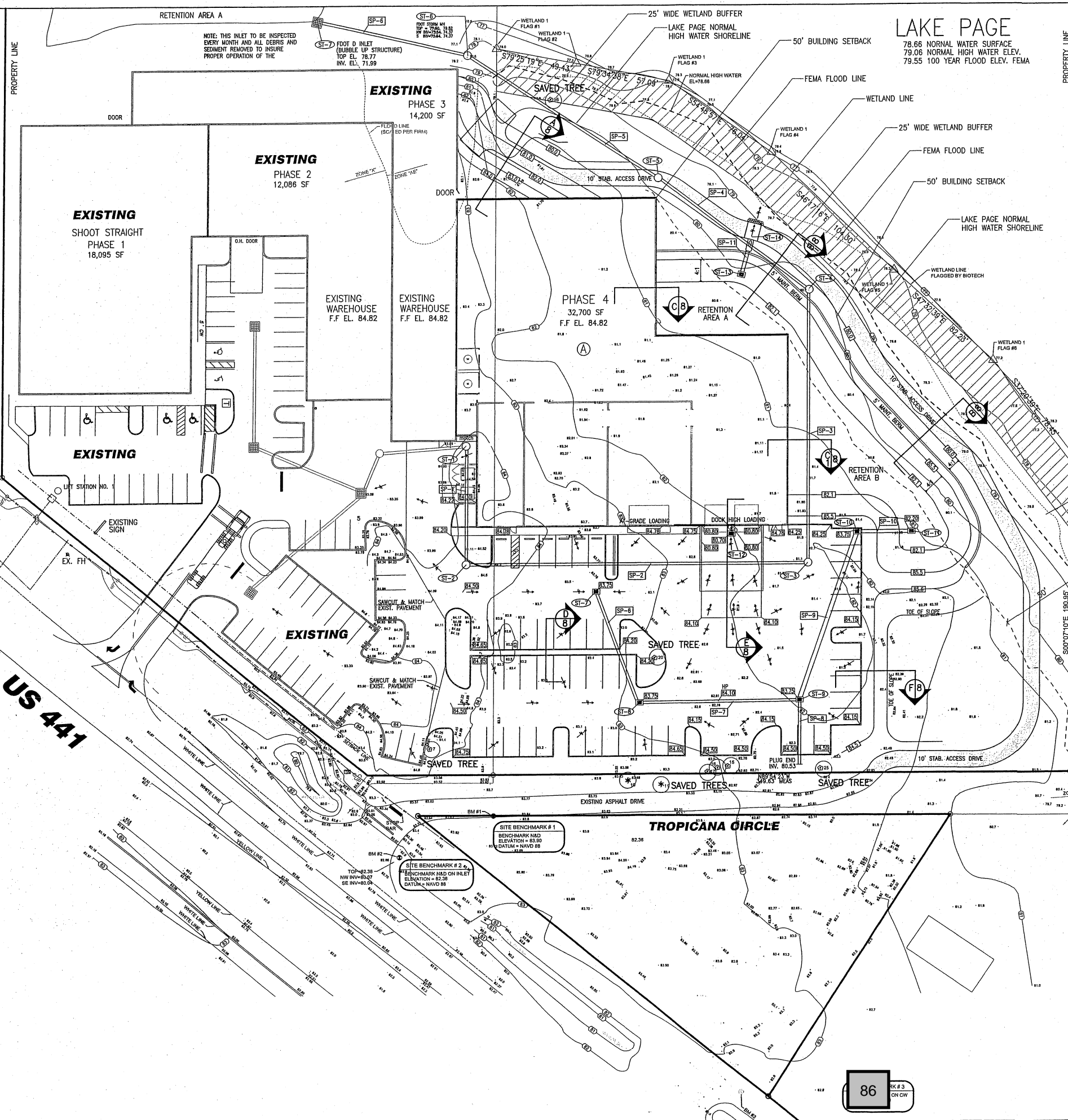
SITE UTILITY PLAN
**Shoot Straight
Warehouse Addition-Ph. 4**
APOPKA, FLORIDA



DATE	07.21.17
GEOMETRY	
PROJECT NO.	12051
SHEET NUMBER	6 of 15

FUTURE DEVELOPMENT
0.638 AC
ZONING C-2
PARCEL: 13-21-28-0000-00-080

- FIRE DEPARTMENT NOTES:**
- ALL ROADWAYS, WATER LINE INFRASTRUCTURE AND FIRE HYDRANTS SHALL BE IN PLACE BEFORE BUILDING CONSTRUCTION MAY BEGIN.
 - LIGHT FRAME TRUSS CONSTRUCTION SHALL BE PURSUANT TO FLORIDA STATUTE 633.027.
 - FIRE AND LIFE SAFETY SHALL BE PURSUANT TO NFPA AND FLORIDA PREVENTION CODE 5TH EDITION.
 - BUILDINGS WILL BE REQUIRED TO HAVE AN AUTOMATIC FIRE SPRINKLER SYSTEM.
 - BUILDINGS WILL BE REQUIRED TO BE MONITORED BY AN AUTOMATIC FIRE ALARM SYSTEM.
 - A LOCK BOX NEAR THE FRONT DOOR MUST BE PROVIDED. CONTACT THE FIRE DEPT. FOR FORM.

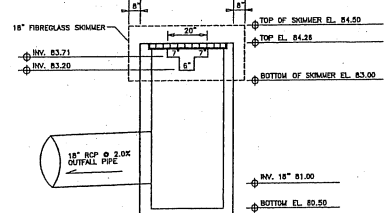
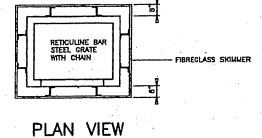


STORM STRUCTURES INFORMATION

ST-1	ST-2	ST-3	ST-4
FDOT STORM MH GRATE EL.: 84.60 INV (N): 75.86 INV (SW): 78.31	FDOT STORM MH GRATE EL.: 84.65 INV (N): 77.95 INV (E): 77.95	FDOT STORM MH GRATE EL.: 84.00 INV (W): 78.82 INV (NW): 78.14	FDOT STORM MH GRATE EL.: 82.10 INV (S): 78.14 INV (SE): 78.14
ST-5	ST-6	ST-7	ST-8
FDOT STORM MH GRATE EL.: 79.25 INV (E): 75.63 INV (W): 75.63	FDOT STORM MH GRATE EL.: 79.52 NEW INV: 74.94	TYPE C INLET GRATE EL.: 83.75 INV (SE): 80.39	TYPE C INLET GRATE EL.: 83.75 INV (SE): 80.02
ST-9	ST-10	ST-11	ST-12
TYPE C INLET GRATE EL.: 83.75 INV (NE): 80.82 INV (E): 79.54	TYPE C INLET GRATE EL.: 83.75 INV (W): 79.00 INV (NE): 79.00	TYPE D INLET GRATE EL.: 83.75 INV (W): 78.80 INV (SW): 78.80	TYPE C INLET (PUMP SUMP) GRATE EL.: 80.78 INV (W): 77.59
ST-13	ST-14		
TYPE C INLET GRATE EL.: 84.22 SUMP PUMP SEE DETAIL BELOW	FDOT M.E.S. (4:1) INV EL.: 80.00 W/ CONC. SPLASH PAD		

STORM PIPE INFORMATION

SP-1	72 LF 18" RCP @ 0.87%
SP-2	206 LF 18" RCP @ 0.50%
SP-3	155 LF 18" HDPE @ 0.50%
SP-4	102 LF 18" HDPE @ 0.50%
SP-5	138 LF 18" HDPE @ 0.50%
SP-6	73 LF 18" HDPE @ 0.25%
SP-7	95 LF 15" RCP @ 0.50%
SP-8	40 LF 18" RCP @ 0.50%
SP-9	108 LF 24" RCP @ 0.50%
SP-10	33 LF 24" RCP @ 1.00%
SP-11	20 LF 18" RCP @ 5.00%



CONTROL STRUCTURE DETAIL ST-13
F.D.O.T. MODIFIED TYPE 'D' INLET

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ENGINEER: JOHN HERBERT, P.E.
CHECKED BY: TOM WOLTON, P.E.
DATE: 04.24.17
REV. PER APOPKA REVIEW: 10/24/16
DATE: 10/24/16

PROJECT NO. 12051
REVISED

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cert. of authorization number 8789
APOPKA, FLORIDA

PAVING / GRADING & DRAINAGE PLAN
Shoot Straight Warehouse Addition-Ph. 4

JOHN JOSEPH HERBERT, P.E.
LICENSE No. 39505
STATE OF FLORIDA
PROFESSIONAL ENGINEER

JUL 21 2017

PGD PLAN
project no. 12051
sheet number
7 of 15

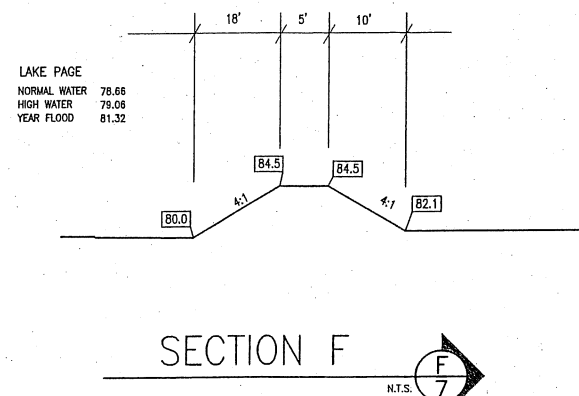
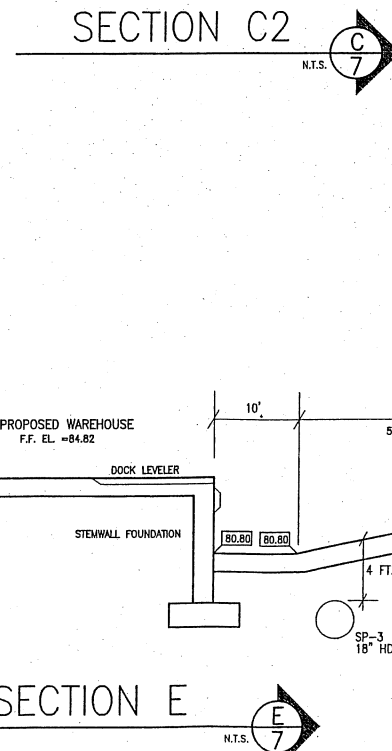
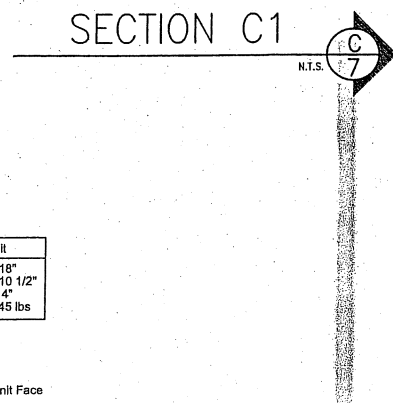
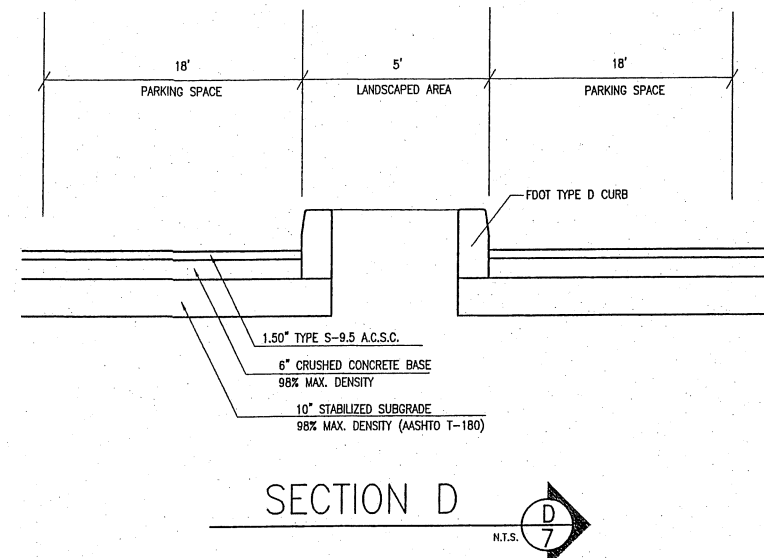
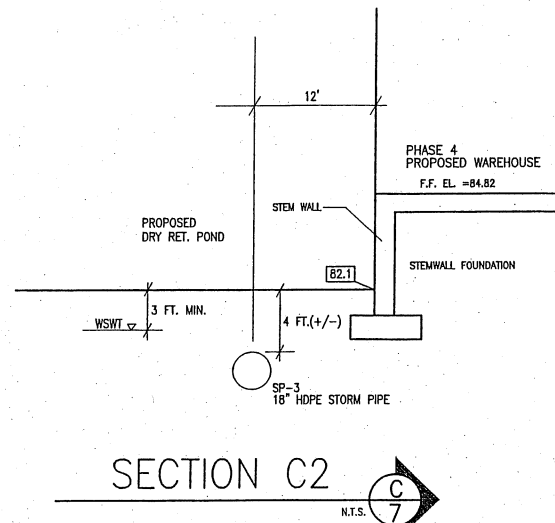
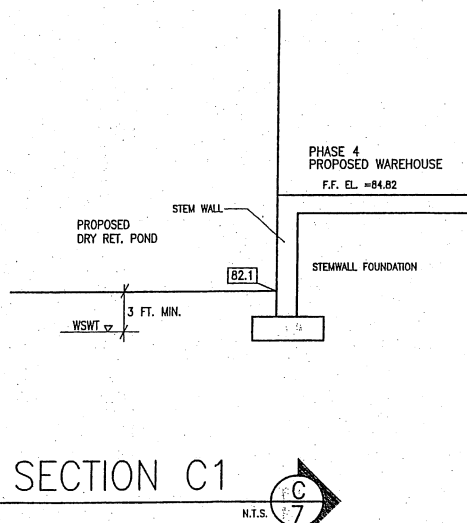
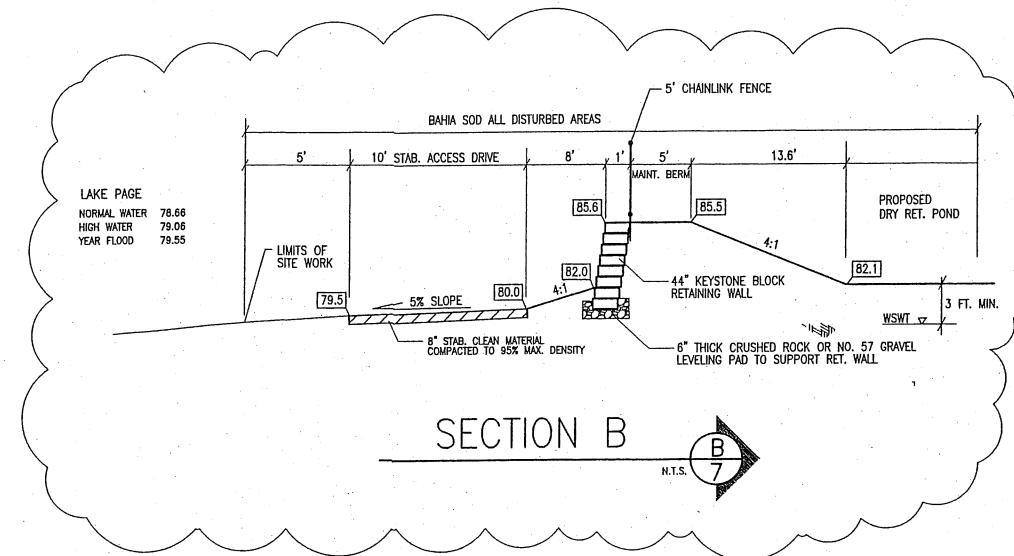
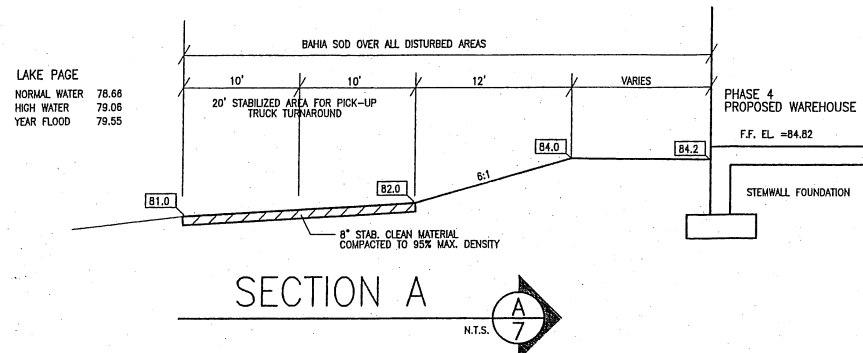
PAVING SPECIFICATIONS - ASPHALT SURFACE/CONC. FINES BASE:

- SPECIFICATIONS FOR THE PARKING AREA AND DRIVES ARE AS FOLLOWS:
 SUB-BASE REQUIREMENTS: FOR CRUSHED CONCRETE FINES BASE
 A). 10" STABILIZED SUBGRADE TO HAVE A MIN. FRI=50 AND BE COMPACTED TO AT LEAST 95% OF THE MODIFIED PROCTOR MAXIMUM DRY DENSITY (ASTM D 1557) VALUE.
 BASE REQUIREMENTS:
 A). 6" PLACED RECYCLED CRUSHED CONCRETE FINES COMPACTED TO A MINIMUM DENSITY OF 98% OF THE MODIFIED PROCTOR MAXIMUM DRY DENSITY
 SURFACE COURSE:
 A). 1.50" FOOT ASPHALT CONCRETE TYPE 9.5, COMPACTED TO A MIN. OF 95% OF THE MARSHALL DESIGN DENSITY. AFTER PLACEMENT AND FIELD COMPACTION, THE WEARING SURFACE SHOULD BE CORED TO EVALUATE MATERIAL THICKNESS AND TO PERFORM LABORATORY DENSITIES. CORES SHOULD BE TAKEN AT A FREQUENCY OF ONE (1) CORE PER 10,000 SF OF PLACED PAVEMENT.

PAVING SPECIFICATIONS - CONCRETE (ALTERNATE PAVEMENT)

- SPECIFICATIONS FOR THE PARKING AREA AND DRIVES ARE AS FOLLOWS:
 SUB-BASE REQUIREMENTS FOR CONCRETE PAVEMENT
 A). COMPACT TO 95% OF THE MODIFIED PROCTOR MAX. DENSITY ACCORDING TO ASTM D-1557 TO A DEPTH OF 12" BELOW THE SLAB. REPAIR ALL RUTS
 BASE REQUIREMENTS: (NONE)
 PAVEMENT:
 5.00" OF 4000 PSI CONCRETE WITH 6-8X10-10 WWF (AUTOMOTIVE AREAS)
 (LIGHT BROOM FINISH & SAW CUT 3/4" CONTROL JOINTS AT 10' GRIDS)
 PORTLAND CEMENT TYPE I

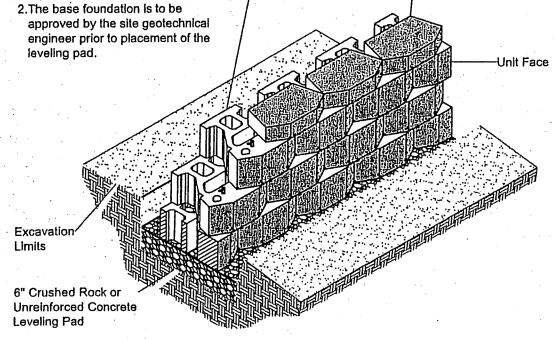
NOTE: ALL MATERIALS AND CONSTRUCTION METHODS TO MEET CURRENT FDOT STANDARDS AND SPECIFICATIONS.



Base Leveling Pad Notes:

- The leveling pad is to be constructed of crushed stone or 2,000 psf unreinforced concrete
- The base foundation is to be approved by the site geotechnical engineer prior to placement of the leveling pad.

Standard Unit		Cap Unit	
*Width:	18"	*Width:	18"
*Depth:	18"	*Depth:	10 1/2"
*Height:	8"	*Height:	4"
*Weight:	102 lbs	*Weight:	45 lbs



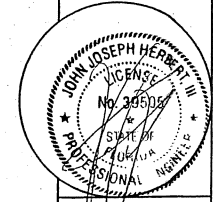
Standard Unit/Base Pad Isometric Section View

KEYSTONE BLOCK RET. WALL

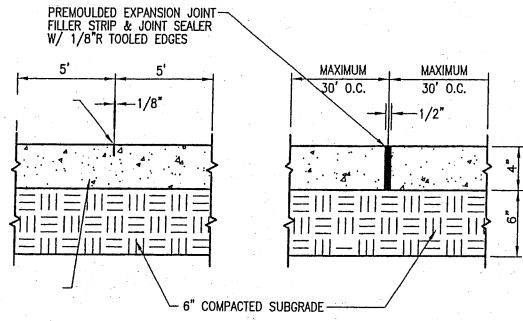
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ENGINEER: JOHN HERBERT, P.E.
CHECKED BY: TOM SHELTON, P.E.
DESIGNED BY: JOHN HERBERT, P.E.
DATE: 07/21/17
REV. PER APOPKA REVIEW
05/25/17
REV. PER APOPKA REVIEW
DATE
REVISIONS
REVISED
PROJECT NO. 12034

AMERICAN CIVIL ENGINEERING CO.
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 cert. of authorization number 8729

TYPICAL SECTIONS & DETAILS
Shoot Straight Warehouse Addition-Ph. 4
 APOPKA, FLORIDA

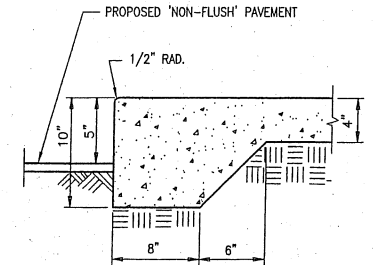


DATE	07/21/2017
SECTION'S DETAILS	
PROJECT NO.	12034
SHEET NUMBER	8 of 15

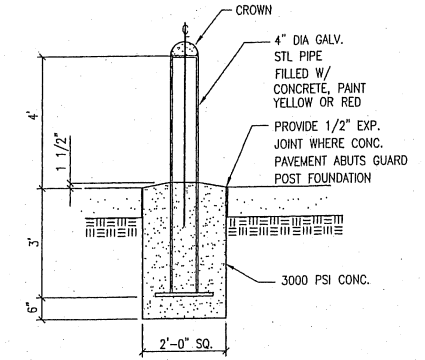


- NOTES:
1. A THICKENED EDGE SHALL BE PROVIDED BETWEEN SIDEWALK AND DRIVEWAYS OR PARKING LOT.
 2. SLOPE CONC. SIDEWALKS AWAY FROM BUILDINGS TO PROVIDE POSITIVE DRAINAGE.
 3. PROVIDE 1% CROSS SLOPE ON CONC. WALKS TYP.

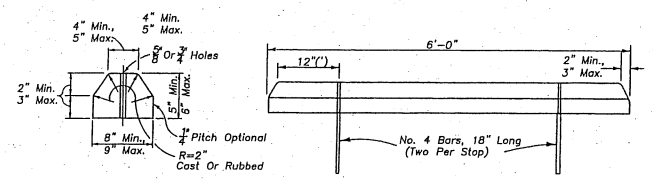
CONCRETE SIDEWALK DETAIL
N.T.S.



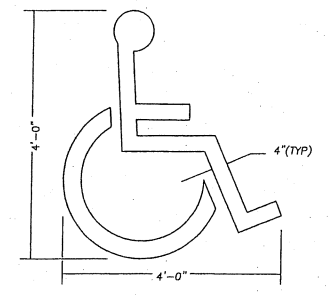
4. PROVIDE CONTROL JOINTS @ INTERVALS EQUAL TO SIDEWALK WIDTH (W).
5. PROVIDE PREMOULDED EXPANSION JOINT WHERE CONC. WALK ABUTS BLDG., POLES, AND OTHER CONC. WALKS.
6. REINFORCED CONCRETE WITH FIBERMESH OR 6-6X10X10 W/F



GUARD POST
N.T.S.

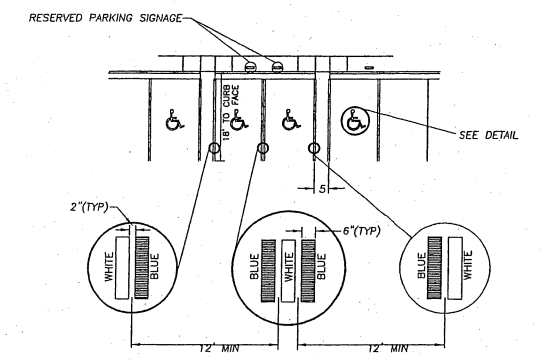


CONCRETE WHEEL STOP
N.T.S.



NOTE:
THIS SYMBOL TO BE WHITE D.O.T. THERMOPLASTIC

TYPICAL PAVEMENT SYMBOL FOR HANDICAPPED PARKING
N.T.S.



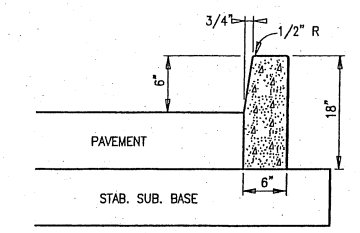
- NOTES:
1. EACH SUCH PARKING SPACE SHALL BE CONSPICUOUSLY OUTLINED IN BLUE PAINT, AND SHALL BE POSTED AND MAINTAINED WITH A PERMANENT, ABOVE GRADE SIGN BEARING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY, OR THE CAPTION 'PARKING BY DISABLED PERMIT ONLY,' OR BEARING BOTH SUCH SYMBOL AND CAPTION. SUCH SIGNS SHALL NOT BE OBTUSCURED BY A VEHICLE PARKED IN THE SPACE. ALL HANDICAPPED PARKING SPACES MUST BE SIGNED AND MARKED IN ACCORDANCE WITH THE STANDARDS ADOPTED BY THE DEPARTMENT OF TRANSPORTATION.
 2. FL DOT RECOMMENDS MEASURING PARKING SPACE WIDTH FROM CENTER TO CENTER BETWEEN BLUE AND WHITE STRIPES.

HANDICAP PARKING STRIPING FOR MULTIPLE SPACES
N.T.S.

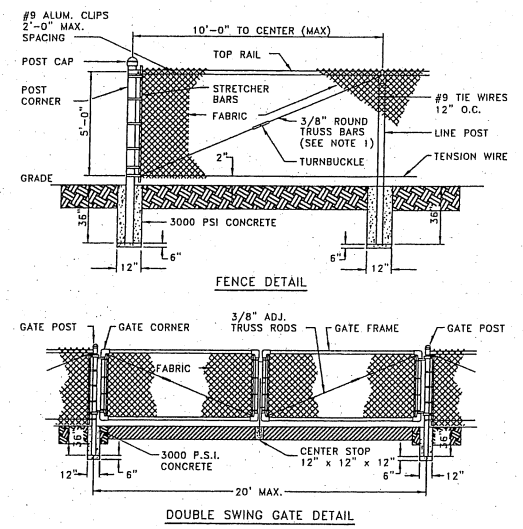


- NOTE: (HANDICAP SIGN ONLY)
1. ALL LETTERS SHALL BE BLACK AND 1" IN HEIGHT. LETTERS ARE TO BE SERIES "B" OR "C", PER MUTCO.
 2. TOP PORTION OF SIGN SHALL HAVE REFLECTORIZED (ENGINEERING GRADE) BLUE BACKGROUND WITH WHITE REFLECTORIZED LEGEND AND BORDER.
 3. BOTTOM PORTION OF SIGN SHALL HAVE A REFLECTORIZED (ENGINEERING GRADE) WHITE BACKGROUND WITH BLACK BORDER.
 4. ONE SIGN REQUIRED FOR EACH PARKING SPACE.
 5. HEIGHT OF SIGN SHALL BE IN ACCORDANCE WITH SECTION 24-23 OF THE MANUAL ON UNIFORMED TRAFFIC CONTROL DEVICES (MUTCD)

TYPICAL RESERVED PARKING SIGNAGE
N.T.S.

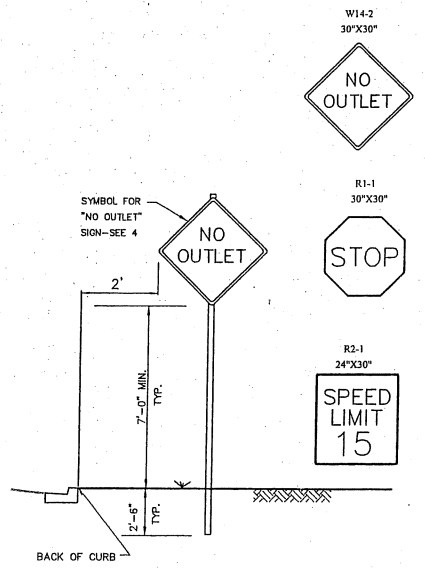


6" x 18" CONCRETE CURB
FDOT TYPE D CURB
N.T.S.

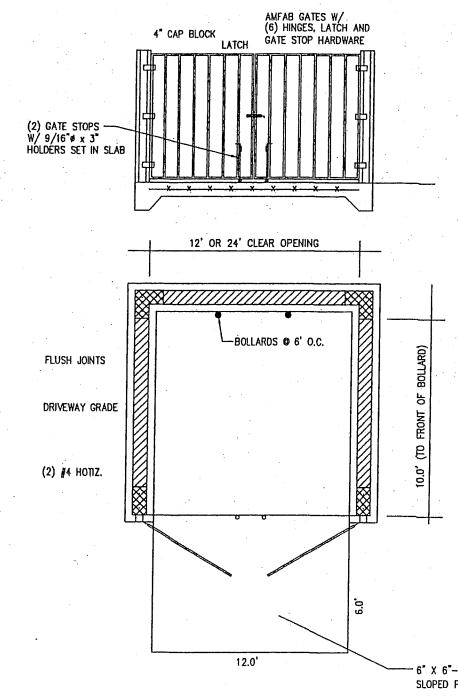


- NOTES:
1. TRUSS BARS ARE REQUIRED FOR EACH GATE SECTION AND THE FIRST SPAN ON EACH SIDE OF A CORNER POST ONLY.
 2. ALL MATERIALS SHALL HAVE A FACTORY APPLIED BLACK VINYL COATING.

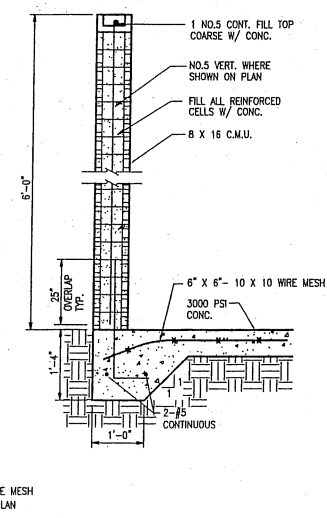
CHAINLINK FENCE



TRAFFIC SIGN DETAILS



DUMPSTER ENCLOSURE DETAIL
N.T.S.



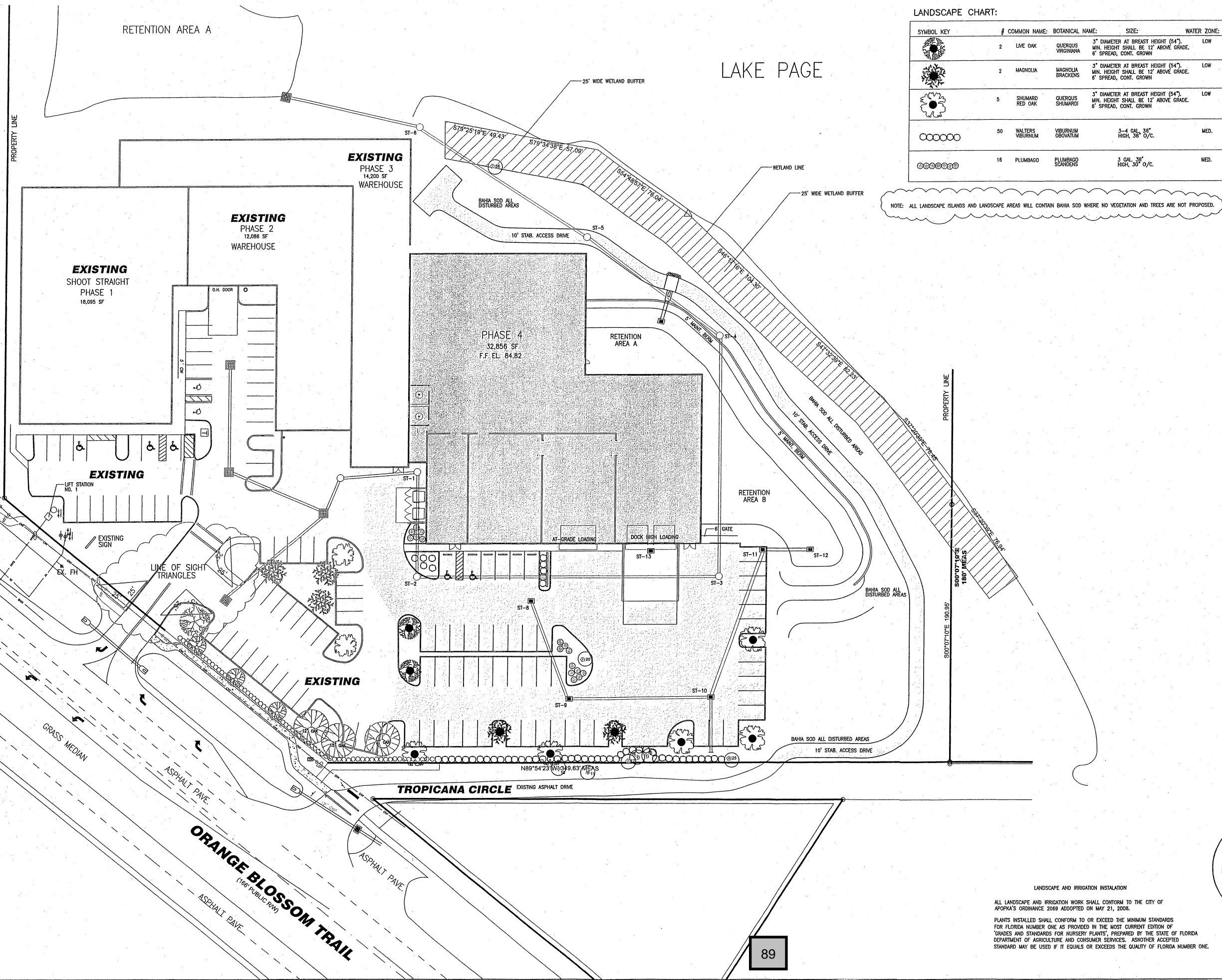
PROJECT NO.	12054
DATE	
REVISIONS	
DESIGNER	JOHN JOSEPH HERBER, P.E.
CHECKED BY	TOM WELTON, P.E.
DATE	
PROJECT NO.	12054

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cont. of information number 8888

TYPICAL SECTIONS & DETAILS
Shoot Straight Warehouse Addition-Ph. 4
APOPKA, FLORIDA

JOHN JOSEPH HERBER, P.E.
LICENSE No. 39505
STATE OF FLORIDA
PROFESSIONAL ENGINEER

JUL 21 2017
SECTIONS DETAILS
project no. 12054
sheet number
9 of 15



LANDSCAPE CHART:

SYMBOL KEY	#	COMMON NAME	BOTANICAL NAME	SIZE	WATER ZONE
	2	LIVE OAK	QUERUS VIRGINIANA	3" DIAMETER AT BREAST HEIGHT (54"). MIN. HEIGHT SHALL BE 12' ABOVE GRADE. 6' SPREAD, CONT. GROWN	LOW
	2	MAGNOLIA	MAGNOLIA BRACKENS	3" DIAMETER AT BREAST HEIGHT (54"). MIN. HEIGHT SHALL BE 12' ABOVE GRADE. 6' SPREAD, CONT. GROWN	LOW
	5	SHUMARD RED OAK	QUERUS SHUMARDI	3" DIAMETER AT BREAST HEIGHT (54"). MIN. HEIGHT SHALL BE 12' ABOVE GRADE. 6' SPREAD, CONT. GROWN	LOW
	50	WALTERS VIBURNUM	VIBURNUM OBOVATUM	3-4 GAL. 36" HIGH, 36" O/C.	MED.
	16	PLUMBAGO	PLUMBAGO SCANDENS	3 GAL. 36" HIGH, 30" O/C.	MED.

NOTE: ALL LANDSCAPE ISLANDS AND LANDSCAPE AREAS WILL CONTAIN BAHIA SOD WHERE NO VEGETATION AND TREES ARE NOT PROPOSED.

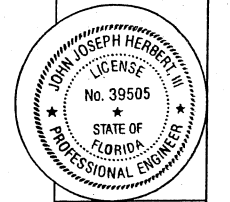
REVISIONS

DATE	BY	REVISIONS
07.21.17	JOHN HERBERT, P.E.	CURRENT EDITION
05.25.17	REV. PER APOPKA REVIEW	
10/24/16	REV. GABRIEL	

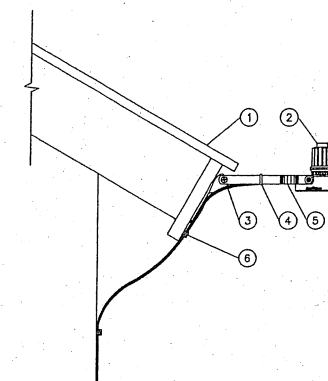
PROJECT NO. 12051

AMERICAN CIVIL ENGINEERING CO.
 207 N. WESS RD., SUITE 211, WINTER SPRINGS, FLA 32789
 TEL: (407) 387-7700; FAX: (407) 387-0827
 cert. of authorization number 8729
 APOPKA, FLORIDA

LANDSCAPE PLAN
Shoot Straight Warehouse Addition-2017
 APOPKA, FLORIDA

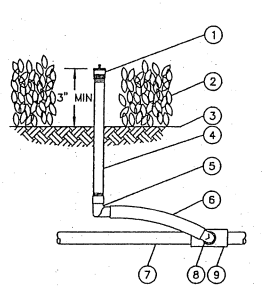


LANDSCAPE AND IRRIGATION INSTALLATION
 ALL LANDSCAPE AND IRRIGATION WORK SHALL CONFORM TO THE CITY OF APOPKA'S ORDINANCE 2069 ADOPTED ON MAY 21, 2008.
 PLANTS INSTALLED SHALL CONFORM TO OR EXCEED THE MINIMUM STANDARDS FOR FLORIDA NUMBER ONE AS PROVIDED IN THE MOST CURRENT EDITION OF 'GRADES AND STANDARDS FOR NURSERY PLANTS', PREPARED BY THE STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. ANOTHER ACCEPTED STANDARD MAY BE USED IF IT EQUALS OR EXCEEDS THE QUALITY OF FLORIDA NUMBER ONE.



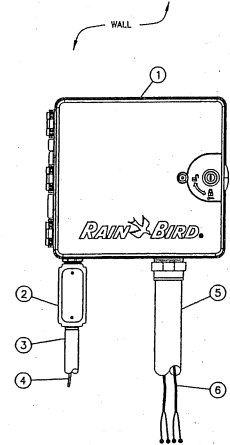
- ① EAVE OF BUILDING
- ② RAIN SENSOR: RAIN BIRD RSD-BEX
- ③ WIRE TO IRRIGATION CONTROLLER
- ④ PLASTIC TIE DOWN STRAP
- ⑤ MOUNTING BRACKET
- ⑥ SECURE WIRE WITH CABLE TIE BRACKET (1 OF 2)

RAIN SENSOR RSD-BEX ROOF BRACKET



- ① ADJUSTABLE FULL CIRCLE BUBBLER: RAIN BIRD 1300A-F
- ② FINISH GRADE/TOP OF MULCH
- ③ PLANT MATERIAL
- ④ UV RADIATION RESISTANT 1/2-INCH PVC SCH 80 NIPPLE (LENGTH AS REQUIRED)
- ⑤ 1/2-INCH FEMALE NPT x 6.450-INCH BARB ELBOW: RAIN BIRD MODEL SBFE-050
- ⑥ SWING PIPE, 12-INCH LENGTH: RAIN BIRD MODEL SP-100
- ⑦ PVC LATERAL PIPE
- ⑧ 1/2-INCH MALE NPT x .490-INCH BARB ELBOW: RAIN BIRD MODEL SBE-050
- ⑨ SCH 40 TEE OR ELL

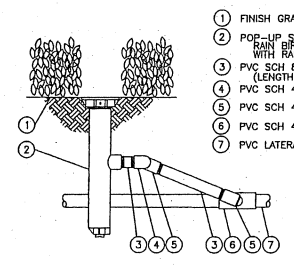
ADJUSTABLE FULL CIRCLE BUBBLER 1300A-F ON RISER



- ① TWO-WIRE DECODER CONTROLLER: RAIN BIRD ESP-LXD TWO-WIRE DECODER CONTROLLER IN PLASTIC CABINET WITH WALL MOUNT. INSTALL CONTROLLER AND CABINET ON WALL PER MANUFACTURER'S RECOMMENDATIONS.
- ② JUNCTION BOX
- ③ 1-INCH CONDUIT AND FITTINGS TO POWER SUPPLY
- ④ POWER SUPPLY WIRE
- ⑤ 2-INCH CONDUIT AND FITTINGS FOR TWO-WIRE CABLE
- ⑥ MAXICABLE TWO-WIRE PATH TO DECODERS USE A DIFFERENT CABLE JACKET COLOR FOR EACH PATH.

- NOTES:
- ESP-LXD CONTROLLER COMES WITH 50 STATIONS AVAILABLE. TWO ADDITIONAL 75 STATION ESP-LXD-SUM75 MODULES MAY BE ADDED TO THE CONTROLLER UP TO 200 TOTAL STATIONS.
 - USE STEEL CONDUIT FOR ABOVE GRADE AND SCH 40 PVC CONDUIT FOR BELOW GRADE CONDITIONS.
 - PROVIDE PROPER GROUNDING COMPONENTS TO ACHIEVE GROUND RESISTANCE OF 10 OHMS OR LESS.

ESP-LXD TWO-WIRE DECODER CONTROLLER IN PLASTIC CABINET



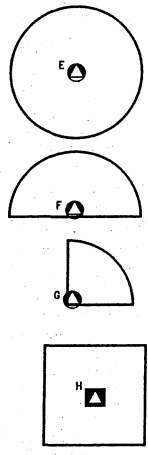
- ① FINISH GRADE/TOP OF MULCH
- ② POP-UP SPRAY SPRINKLER: RAIN BIRD 1806-SI WITH RAIN BIRD ROTARY NOZZLE
- ③ PVC SCH 80 NIPPLE (LENGTH AS REQUIRED)
- ④ PVC SCH 40 ELL
- ⑤ PVC SCH 40 STREET ELL
- ⑥ PVC SCH 40 TEE OR ELL
- ⑦ PVC LATERAL PIPE

NOTE: SIDE INLET CONNECTION SHOULD NOT BE USED IN FREEZING CLIMATES.

POP-UP SPRAY SPRINKLER 1806-SI WITH SWING JOINT

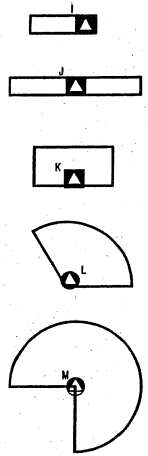
GENERAL NOTES

- REFER TO THE LANDSCAPE PLANS WHEN TRENCHING TO AVOID TREES AND SHRUBS.
- ALL MAINLINE PIPING SHALL BE BURIED TO A MINIMUM DEPTH OF 18" OF COVER. ALL LATERAL PIPING SHALL BE BURIED TO A MINIMUM DEPTH OF 12" OF COVER.
- ADJUST ALL NOZZLES TO REDUCE WATER WASTE ON HARD SURFACES & BLDG WALLS.
- THROTTLE ALL VALVES ON SHRUB LINES AS REQUIRED TO PREVENT FLOODING.
- ALL CONTROL WIRE SPLICES SHALL BE MADE IN VALVE BOXES.
- THE CONTRACTOR SHALL PREPARE AN AS-BUILT DRAWING ON THIS PLAN SHOWING THE ALL IRRIGATION INSTALLATION.
- ALL VALVES AND GATE VALVES SHALL BE INSTALLED IN VALVE BOXES.
- ANY PIPING SHOWN OUTSIDE THE PROPERTY LINE OR RUNNING OUTSIDE A LANDSCAPE AREA IS SHOWN THERE FOR CLARITY ONLY. ALL LINES SHALL BE INSTALLED ON THE PROPERTY AND INSIDE THE LANDSCAPE AREAS.
- THE CONTRACTOR SHALL EXERCISE CARE SO AS NOT TO DAMAGE ANY EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMMEDIATE REPAIRS AND COST OF ANY DAMAGE CAUSED BY HIS WORK.
- ALL IRRIGATION VALVES, CONTROLLER, SPRINKLER HEADS, AND RAIN SENSORS SHALL BE AS MANUFACTURED BY RAIN BIRD.
- REFER TO THE LANDSCAPE PLANS WHEN TRENCHING TO AVOID TREE AND SHRUB LOCATIONS.
- ALL MAINLINE PIPING SHALL BE BURIED TO A MINIMUM DEPTH OF 24" OF COVER AND ALL LATERAL PIPING SHALL BE BURIED TO A MINIMUM DEPTH OF 18" OF COVER.
- ALL POP-UP ROTOR AND SPRAY HEADS SHALL BE INSTALLED USING AN 18" PVC FLEX PIPE CONNECTION. CONTRACTOR SHALL NOT USE FLUNTY PIPE.
- PIPE SIZES SHALL CONFORM TO THOSE SHOWN ON THE DRAWINGS. THE SMALLEST LATERAL PIPE SIZE TO A SINGLE SPRAY OR ROTOR HEAD SHALL BE 3/4".
- ALL RISERS SHALL BE STAKED WITH A 1" WOOD BOWEL AND SECURED WITH UV RESISTANT PLASTIC CABLE TIES, RISERS SHALL BE PAINTED FLAT BLACK.
- ALL REMOTE CONTROL VALVES, GATE VALVES, AND QUICK COUPLERS SHALL BE INSTALLED IN VALVE BOXES.
- ALL RISERS SHALL BE REINSTALLED 12" FROM ANY WALL AND A MINIMUM OF 36" FROM ANY SIDEWALK, PATIO, OR ROAD.
- THE EXACT HEIGHT OF ANY 12" POP-UP THAT IS SHOWN IN A SHRUB BED SHALL BE DETERMINED BY THE LANDSCAPE ARCHITECT IN THE FIELD.
- CONTROL WIRE SHALL BE 14-1 UP DIRECT BURIAL, COLORED RED FOR CONTROL WIRES AND WHITE FOR COMMON WIRES. NO CROSS CONNECTION BETWEEN CONTROLLERS SHALL BE ALLOWED. WIRE SPLICES SHALL BE MADE ONLY IN VALVE BOXES USING RAINBIRD "SNAP-TITE" CONNECTORS.
- ANY PIPING OR VALVES SHOWN OUTSIDE THE PROPERTY LINE OR OUTSIDE OF A LANDSCAPE AREA IS SHOWN THERE FOR DESIGN CLARITY ONLY. ALL PIPING AND VALVES SHALL BE INSTALLED ON THE PROPERTY AND WITHIN LANDSCAPE AREAS.
- IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO FAMILIARIZE HIMSELF WITH, AND EXERCISE CARE SO AS NOT TO DAMAGE ANY EXISTING BERMS, WALLS, STRUCTURES, PLANT MATERIALS, AND UTILITIES. THE IRRIGATION CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMMEDIATE REPAIR OR REPLACEMENT OF ALL ITEMS DAMAGED BY HIS WORK. HE SHALL COORDINATE HIS WORK WITH OTHER CONTRACTORS FOR THE LOCATION AND INSTALLATION OF SLEEVES AND PIPING THROUGH WALLS, UNDER ROADS AND PARKING, ETC.
- DO NOT WILLFULLY INSTALL THE SPRINKLER SYSTEM AS SHOWN ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT UNKOWN OBSTRUCTIONS, GRADE DIFFERENCES OR DIFFERENCES IN AREA DIMENSIONS EXIST THAT MIGHT NOT HAVE BEEN CONSIDERED IN THE ENGINEERING. SUCH OBSTRUCTIONS OR DIFFERENCES SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE. IN THE EVENT THIS NOTIFICATION IS NOT PERFORMED, THE IRRIGATION CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS.
- THE CONTRACTOR SHALL FURNISH AND INSTALL AN APPROVED BACKFLOW PREVENTER AND ALL OTHER EQUIPMENT REQUIRED FOR POTABLE WATER CONNECTIONS PER ALL LOCAL CODES AND REGULATIONS.
- FINAL LOCATION OF THE AUTOMATIC CONTROLLER(S) SHALL BE APPROVED BY THE OWNERS AUTHORIZED REPRESENTATIVE PRIOR TO INSTALLATION.
- ELECTRICAL SERVICE TO ALL EQUIPMENT SHALL BE PROVIDED TO A JUNCTION BOX AT THE EQUIPMENT LOCATION. (BY OTHERS NOT A PART OF THIS CONTRACT) THE IRRIGATION CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINAL CONNECTION FROM THE JUNCTION BOX TO ALL EQUIPMENT.
- THE IRRIGATION CONTRACTOR SHALL FLUSH AND ADJUST ALL SPRINKLER HEADS AND VALVES TO PROVIDE OPTIMUM COVERAGE WITH UNUSUAL OVERSPLAY OVER WALKS, STREETS, WALLS, ETC. IN ORDER TO ACCOMPLISH THIS, THE CONTRACTOR MAY SUBSTITUTE VARIABLE ARC NOZZLES IN PLACE OF THE SPECIFIED FIXED ARC NOZZLES WHERE NECESSARY PRESSURE COMPENSATING SCREENS MAY ALSO BE USED TO REDUCE SPRAY DISTANCE.
- THE CONTRACTOR SHALL COMPLETE ALL WORK IN ACCORDANCE WITH ALL PREVALING LAWS, CODES, AND REGULATIONS.
- ALL SPRINKLER EQUIPMENT NOT OTHERWISE DETAILED OR SPECIFIED SHALL BE INSTALLED AS PER MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
- THE CONTRACTOR SHALL PREPARE AN AS-BUILT DRAWING ON A REPRODUCIBLE MEDIUM SHOWING ALL IRRIGATION INSTALLATION. A INLET OF THE ORIGINAL PLAN MAY BE OBTAINED FROM THE LANDSCAPE ARCHITECT FOR A FEE. THE AS-BUILT DRAWING SHALL LOCATE ALL MAINLINE AND VALVES BY SHOWING EXACT MEASUREMENTS FROM HARD SURFACES.
- ALL WORK SHALL BE GUARANTEED FOR ONE YEAR FROM THE DATE OF FINAL ACCEPTANCE AGAINST ALL DEFECTS IN EQUIPMENT AND WORKMANSHIP.
- SLEEVES SHALL BE PLACED UNDER PAVEMENT AS SHOWN ON PLANS AND SHALL BE A MINIMUM OF 24" THE SIDE OF THE IRRIGATION PIPE.
- ALL SPRAY HEADS IN THE ROW SHALL BE EITHER 6" OR 12" POP-UP AS INDICATED ON THE PLANS, NO RISERS ARE PERMITTED IN THE RIGHT-OF-WAY.
- CONTRACTOR SHALL PERFORM PRESSURE AND VOLUME TEST ON IRRIGATION WATER SOURCE OVER A CONTINUOUS 24 HOUR PERIOD PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION WORK SHOULD THE AVAILABLE SUPPLY NOT BE ADEQUATE TO MEET THE DEMANDS OF THE IRRIGATION SYSTEM AS DESIGNED THE CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION FOR DESIGN MODIFICATIONS.
- CONTRACTOR SHALL PROVIDE AND INSTALL ALL POINT OF CONNECTION EQUIPMENT SUCH AS, BUT NOT LIMITED TO, BACKFLOW PREVENTER AND METER AS REQUIRED BY THE GOVERNING JURISDICTION.



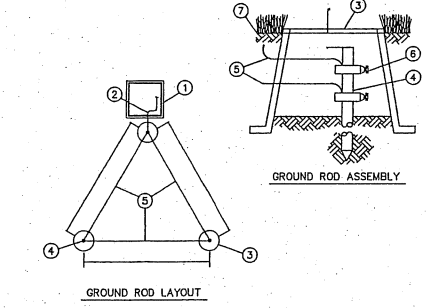
NOZZLE CHART - ALL POP UP SPRAY HEADS

DESIGNATION	MODEL	FLOW (GPM)	RADIUS (FEET)	PATTERN
(A)	1401	0.25	1.5'	1-STREAM BUBBLER
(B)	1402	0.25	2.5'	2-STREAM BUBBLER
(C)	1404	1.0	1.5'	UMBRELLA BUBBLER
(D)	1408	2.0	2.5'	UMBRELLA BUBBLER
(E)	1800-15 F	3.7	15'	FULL CIRCLE
(F)	1800-15 H	1.9	15'	HALF CIRCLE
(G)	1800-15 Q	1.0	15'	QUARTER CIRCLE
(H)	1800-15 SQ	3.7	23'x23'	CENTER SQUARE
(I)	1800-15 CST	0.6	4'X15'	SIDE STRIP
(J)	1800-15 SST	1.2	4'X30'	SIDE STRIP
(K)	1800-9 SST	1.7	9'X18'	SIDE SQUARE
(L)	1800-15 TQ	2.8	15'	3/4 CIRCLE
(M)	1800-15 T	1.2	15'	1/3 CIRCLE
(N)	5000-8.0	5.9	40'	FULL CIRCLE



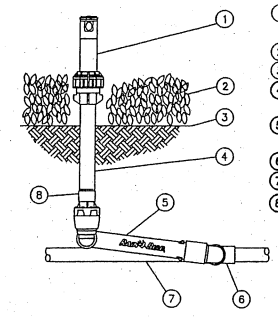
ZONE SUMMARY

ZONE	RUN TIME (MIN.)	FLOW (GPM)	AREA (SQ. FT.)	PRECIPITATION (INCHES)
1	30 MIN.	11.5	1350	1/4"
1A	30 MIN.	5.4	675	1/4"
2	30 MIN.	10.2	510	1/4"
3	30 MIN.	11.7	720	1/4"
4	30 MIN.	9.0	2550	1/4"
5	30 MIN.	8.8	354	1/4"
6	30 MIN.	12.1	503	1/4"



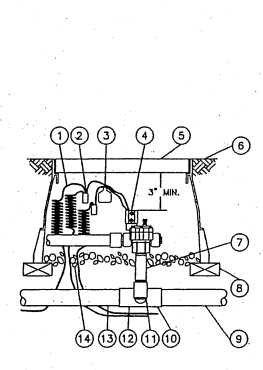
- ① RAIN BIRD CONTROLLER
- ② SOLID BARE COPPER WIRE (#10 AWG) FROM GROUNDING ROD TO CONTROLLER. MAKE WIRE AS SHORT AND STRAIGHT AS POSSIBLE
- ③ COVER GROUNDING ROD WITH 10-INCH ROUND VALVE BOX AS SHOWN
- ④ 5/8-INCH X 8 FT COPPER CLAD GROUNDING ROD OR GROUNDING PLATE. INSTALL RODS IN SOIL IN A TRIANGULAR PATTERN SPACED A MINIMUM OF 16 FT APART FROM EACH OTHER. GROUNDING GRID TO HAVE A RESISTANCE OF TEN (10) OHMS OR LESS.
- ⑤ BARE COPPER WIRE (#10 AWG MIN.) BETWEEN GROUNDING RODS
- ⑥ GROUND ROD CLAMP OR WELDS
- ⑦ FINISH GRADE

CONTROLLER GROUNDING GRID Y DESIGN LAYOUT



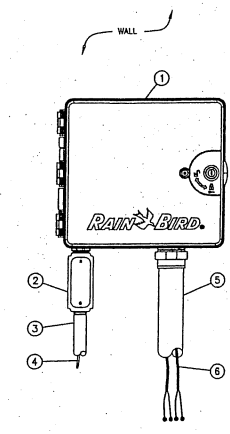
- ① ROTOR SPRINKLER: RAIN BIRD 5000-S/PC-SAM
- ② PLANT MATERIAL
- ③ FINISH GRADE
- ④ UV RADIATION RESISTANT PVC SCH 80 NIPPLE (LENGTH AS REQUIRED)
- ⑤ PRE-FABRICATED SWING JOINT: RAIN BIRD TSA-075-PRS WITH 45 PSI PRESSURE REGULATOR
- ⑥ PVC SCH 40 TEE OR ELL
- ⑦ LATERAL PIPE
- ⑧ PVC SCH 40 COUPLER

ROTOR POP-UP SPRINKLER 5000 SHRUB



- ① 30-INCH LINEAR LENGTH OF WIRE, COILED
- ② WATERPROOF CONNECTION: RAIN BIRD SPLICE-1 (1 OF 2)
- ③ ID TAG: RAIN BIRD VID SERIES
- ④ REMOTE CONTROL VALVE: RAIN BIRD 100-DV-A WITH BSP THREADS
- ⑤ VALVE BOX WITH COVER: RAIN BIRD VB-SID
- ⑥ FINISH GRADE/TOP OF MULCH
- ⑦ PVC SCH 80 NIPPLE (LENGTH AS REQUIRED)
- ⑧ BRICK (1 OF 4)
- ⑨ PVC MAINLINE PIPE
- ⑩ PVC SCH 40 TEE OR ELL
- ⑪ SCH 80 NIPPLE (2-INCH LENGTH, HIDDEN) AND SCH 40 ELL
- ⑫ PVC SCH 40 MALE ADAPTER
- ⑬ PVC LATERAL PIPE
- ⑭ 3.0-INCH MINIMUM DEPTH OF 3/4-INCH WASHED GRAVEL

ELECTRIC REMOTE-CONTROL VALVE 100-DV-A



- ① TWO-WIRE DECODER CONTROLLER: RAIN BIRD ESP-LXD TWO-WIRE DECODER CONTROLLER IN PLASTIC CABINET WITH WALL MOUNT. INSTALL CONTROLLER AND CABINET ON WALL PER MANUFACTURER'S RECOMMENDATIONS.
- ② JUNCTION BOX
- ③ 1-INCH CONDUIT AND FITTINGS TO POWER SUPPLY
- ④ POWER SUPPLY WIRE
- ⑤ 2-INCH CONDUIT AND FITTINGS FOR TWO-WIRE CABLE
- ⑥ MAXICABLE TWO-WIRE PATH TO DECODERS USE A DIFFERENT CABLE JACKET COLOR FOR EACH PATH.

- NOTES:
- ESP-LXD CONTROLLER COMES WITH 50 STATIONS AVAILABLE. TWO ADDITIONAL 75 STATION ESP-LXD-SUM75 MODULES MAY BE ADDED TO EXPAND THE CONTROLLER UP TO 200 TOTAL STATIONS.
 - USE STEEL CONDUIT FOR ABOVE GRADE AND SCH 40 PVC CONDUIT FOR BELOW GRADE CONDITIONS.
 - PROVIDE PROPER GROUNDING COMPONENTS TO ACHIEVE GROUND RESISTANCE OF 10 OHMS OR LESS.

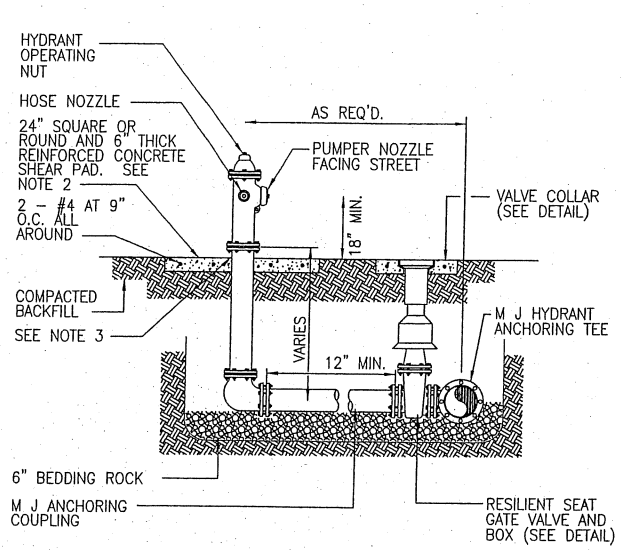
ESP-LXD TWO-WIRE DECODER CONTROLLER IN PLASTIC CABINET

#	DATE	CURRENT EDITION	REVISED	CHECKED	PRODUCT NO. 000
07/21/17					

AMERICAN CIVIL ENGINEERING CO.
207 N. MOSE RD., SUITE 211, WINTER SPRINGS, FLA 32708
TEL (407) 337-7700; FAX (407) 337-0827

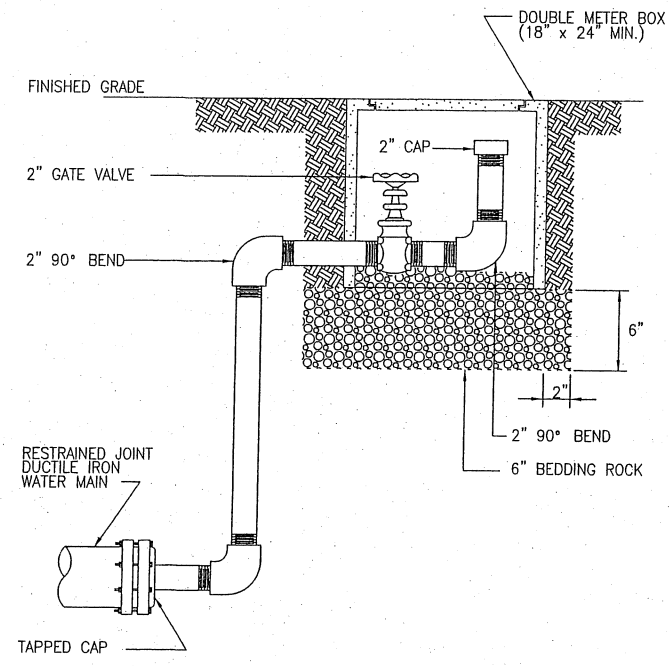
IRRIGATION SPECIFICATION & DETAILS
Shoot Straight Warehouse Addition-2017
APOPKA, FLORIDA

JOHN JOSEPH HERRERT, III
LICENSE No. 39505
STATE OF FLORIDA
PROFESSIONAL ENGINEER



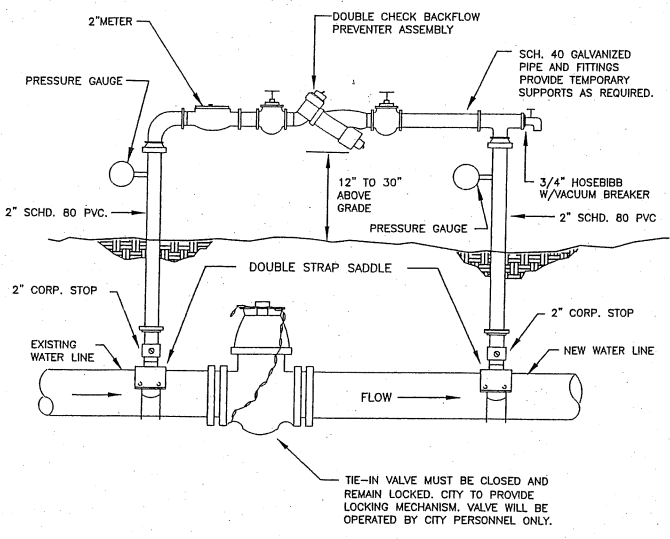
- NOTES:
1. FIRE HYDRANT SHALL BE SUPPLIED WITHOUT A WEEP HOLE, OR WITH A PERMANENTLY PLUGGED WEEP HOLE.
 2. THE DEVELOPER MAY INSTALL THE SHEAR PAD RECESSED UP TO 4 INCHES BELOW FINISHED GRADE AND SOD THE RECESSED SECTION.
 3. CLEARANCE BETWEEN BOTTOM OF BOLTS AND TOP OF SHEAR PAD SHALL BE A 6" MINIMUM.

FIRE HYDRANT ASSEMBLY DETAIL
(FIG. 402)



- NOTES:
1. ALL 2" PIPE AND FITTINGS SHALL BE SCHEDULE 40 GALVANIZED STEEL OR BRASS WITH THREADED (NPT) JOINTS.

BLOWOFF VALVE DETAIL
(FIG. 403)



- NOTE:
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL MATERIALS, ASSEMBLY, AND THE INSTALLATION OF THE DEVICE.

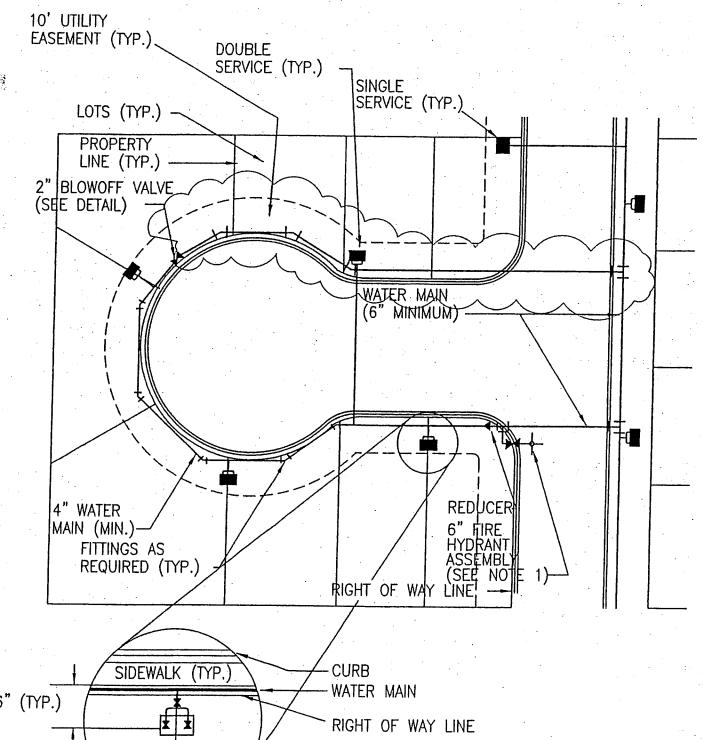
TEMPORARY JUMPER CONNECTION

TEMPORARY JUMPER CONNECTION NOTES:

1. A TEMPORARY JUMPER CONNECTION IS REQUIRED AT ALL CONNECTIONS BETWEEN EXISTING ACTIVE WATER MAINS AND PROPOSED NEW WATER MAIN IMPROVEMENTS.
2. THE DETAIL ABOVE IS TO BE USED FOR FILLING OF NEW MAINS UP TO 8 INCHES IN DIAMETER (2.5 FPS MINIMUM VELOCITY) AND FOR PULLING BACTERIOLOGICAL SAMPLES FROM ANY NEW WATER MAIN OF ANY SIZE. THE JUMPER CONNECTION SHALL BE MAINTAINED UNTIL AFTER FILLING, FLUSHING, TESTING AND DISINFECTION OF THE NEW MAIN HAS BEEN SUCCESSFULLY COMPLETED AND CLEARANCE FOR USE FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AND OTHER PERTINENT AGENCIES HAVE BEEN RECEIVED. THE JUMPER CONNECTION SHALL ALSO BE USED TO MAINTAIN A MINIMUM PRESSURE OF 20 PSI IN THE NEW MAINS AFTER DISINFECTION AND UNTIL THE FDEP CLEARANCE LETTER IS OBTAINED ADEQUATE. THRUST BLOCKING AND/OR RESTRAINTS SHALL BE PROVIDED TEMPORARILY, AS REQUIRED. PIPE AND FITTINGS USED FOR CONNECTING THE NEW PIPE TO THE EXISTING PIPE SHALL BE DISINFECTED PRIOR TO INSTALLATION IN ACCORDANCE WITH AWWA C651, 1992 EDITION. THE TAPPING SLEEVE AND THE EXTERIOR OF THE MAIN TO BE TAPPED SHALL BE DISINFECTED BY SPRAYING OR SWABBING PER SECTION II OF AWWA C651-92.
3. FLUSHING OF 10 INCHES IN DIAMETER AND LARGER WATER MAINS MAY BE DONE THROUGH THE TIE-IN VALVE UNDER VERY CONTROLLED CONDITIONS. THE FOLLOWING PROCEDURES SHALL BE FOLLOWED:
 - A. THE TIE-IN VALVES SHALL BE OPERATED AND PRESSURE TESTED IN THE PRESENCE OF THE UTILITY COMPANY AND ENGINEER TO VERIFY WATER TIGHTNESS PRIOR TO TIE-IN. VALVES WHICH ARE NOT WATER TIGHT SHALL BE REPLACED WITH A NEW VALVE INSTALLED IMMEDIATELY ADJACENT TO THE LEAKING VALVE.
 - B. THE TEMPORARY JUMPER CONNECTION SHALL BE CONSTRUCTED AS DETAILED. THE JUMPER CONNECTION SHALL BE USED TO FILL THE NEW WATER MAIN AND FOR PROVIDING WATER FOR BACTERIOLOGICAL SAMPLING OF THE NEW MAIN AS REQUIRED BY THE FDEP PERMIT.
 - C. FLUSHING SHALL NOT BE ATTEMPTED DURING PEAK DEMAND HOURS OF THE EXISTING WATER MAINS.
 - D. ALL DOWNSTREAM VALVES IN THE SYSTEM MUST BE OPEN PRIOR TO OPENING THE TIE-IN VALVE.
 - E. PROVIDE FOR AND MONITOR THE PRESSURE IN THE TIE-IN POINT. THE PRESSURE IN THE EXISTING MAIN MUST NOT DROP BELOW 55 PSI.
 - F. THE TIE-IN VALVE SHALL BE OPENED A FEW TURNS ONLY, ENSURING A PRESSURE DROP ACROSS THE VALVE IS GREATER THAN 10 PSI.
 - G. THE TIE-IN VALVE SHALL BE LOCKED CLOSED BY THE UTILITY COMPANY UNTIL FLUSHING BEGINS.
 - H. THE TIE-IN VALVE SHALL BE OPENED ONLY FOR FLUSHING OF THE NEW MAIN. THE PROCEDURE SHALL BE DIRECTED BY THE UTILITY COMPANY AND OBSERVED BY THE ENGINEER.
 - I. AFTER FLUSHING, THE TIE-IN VALVE SHALL BE CLOSED AND LOCKED IN THE CLOSED POSITION BY THE UTILITY COMPANY.
4. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION DEMONSTRATING THAT THE DOUBLE CHECK BACKFLOW PREVENTION DEVICE HAS BEEN TESTED AND IS IN GOOD WORKING ORDER AT THE TIME OF INSTALLATION.
5. EXCEPT AS REQUIRED TO FLUSH LINES OF GREATER THAN 8 INCHES IN DIAMETER, THE TIE-IN VALVE SHALL REMAIN CLOSED AND SHALL BE LOCKED IN THE CLOSED POSITION BY THE UTILITY COMPANY. THE TIE-IN VALVE SHALL REMAIN LOCKED UNTIL THE NEW SYSTEM HAS BEEN CLEARED FOR USE BY FDEP AND ALL OTHER PERTINENT AGENCIES.
6. UPON RECEIPT OF CLEARANCE FOR USE FROM FDEP AND ALL OTHER PERTINENT AGENCIES, THE CONTRACTOR SHALL REMOVE THE TEMPORARY JUMPER CONNECTION. THE CORPORATION STOPS ARE TO BE CLOSED AND PLUGGED WITH 2 INCH BRASS PLUGS.
7. ALL INSTALLATION AND MAINTENANCE OF THE TEMPORARY JUMPER CONNECTION AND ASSOCIATED BACKFLOW PREVENTION DEVICE, FITTINGS, VALVE, ETC. SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

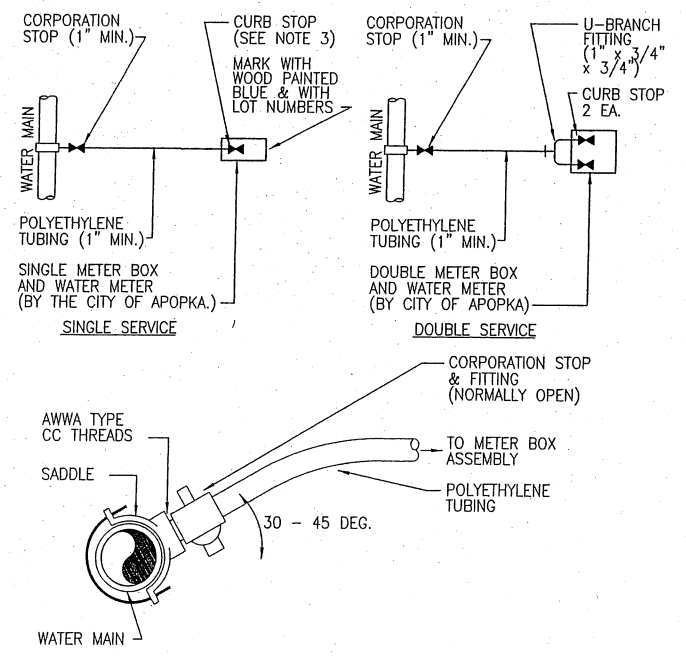
NOTES AS PER AWWA C-651-92:

- SEC. 3 BASIC DISINFECTION PROCEDURE
1. PREVENTING CONTAMINATING MATERIALS FROM ENTERING THE WATER MAIN DURING STORAGE, CONSTRUCTION, OR REPAIR.
 2. REMOVING, BY FLUSHING OF OTHER MEANS, THOSE MATERIALS THAT MAY HAVE ENTERED THE WATER MAIN.
 3. CLOSING ANY RESIDUAL CONTAMINATION THAT MAY REMAIN, AND FLUSHING THE CHLORINATED WATER FROM THE MAIN.
 4. PROTECTING THE EXISTING DISTRIBUTION SYSTEM FROM BACKFLOW DUE TO HYDROSTATIC PRESSURE TEST AND DISINFECTION PROCEDURES.
 5. DETERMINING THE BACTERIOLOGICAL QUALITY BY LABORATORY TEST AFTER DISINFECTION.
 6. FINAL CONNECTION OF THE APPROVED NEW WATER MAIN TO THE ACTIVE DISTRIBUTION SYSTEM.
- SEC. 4.8 BACKFLOW PROTECTION (OPTIONAL)*
- AS AN OPTIONAL PROCEDURE (IF SPECIFIED BY PURCHASER), THE NEW WATER MAIN SHALL BE KEPT ISOLATED FROM THE ACTIVE DISTRIBUTION SYSTEM BY PHYSICAL SEPARATION (SEE FIGURE 1) UNTIL SATISFACTORY BACTERIOLOGICAL TESTING HAS BEEN COMPLETED AND THE DISINFECTANT WATER FLUSHED OUT. WATER REQUIRED TO FILL THE NEW MAIN FOR HYDROSTATIC PRESSURE TESTING, DISINFECTION, AND FLUSHING SHALL BE SUPPLIED THROUGH A TEMPORARY CONNECTION BETWEEN THE DISTRIBUTION SYSTEM AND THE NEW MAIN. THE TEMPORARY CONNECTION SHALL INCLUDE AN APPROPRIATE CROSS-CONNECTION CONTROL DEVICE CONSISTENT WITH THE DEGREE OF HAZARD, AND SHALL BE DISCONNECTED (PHYSICALLY SEPARATED) FROM THE NEW MAIN DURING THE HYDROSTATIC PRESSURE TEST. IT WILL BE NECESSARY TO REESTABLISH THE TEMPORARY CONNECTION AFTER COMPLETION OF THE HYDROSTATIC PRESSURE TEST TO FLUSH OUT THE DISINFECTANT WATER PRIOR TO FINAL CONNECTION OF THE NEW MAIN TO THE DISTRIBUTION SYSTEM.
- SEC. 9 FINAL CONNECTIONS TO EXISTING MAINS (OPTIONAL)*
- AS AN OPTIONAL PROCEDURE (IF SPECIFIED BY PURCHASER), WATER MAINS AND APPURTENANCES MUST BE COMPLETELY INSTALLED, FLUSHED, DISINFECTED, AND SATISFACTORY BACTERIOLOGICAL SAMPLE RESULTS RECEIVED PRIOR TO PERMANENT CONNECTIONS BEING MADE TO THE ACTIVE DISTRIBUTION SYSTEM. SANITARY CONSTRUCTION PRACTICES MUST BE FOLLOWED DURING INSTALLATION OF THE FINAL CONNECTION, SO THAT THERE IS NO CONTAMINATION OF THE NEW OR EXISTING WATER MAIN WITH FOREIGN MATERIAL OR GROUNDWATER.
- SEC. 9.1 CONNECTIONS EQUAL TO OR LESS THAN ONE PIPE LENGTH (48 FT. [5.5mm])
- AS AN OPTIONAL PROCEDURE (IF SPECIFIED BY PURCHASER), THE NEW PIPE, FITTINGS, AND VALVE(S) REQUIRED FOR THE CONNECTION MAY BE SPRAY-DISINFECTED OR SWABBED WITH A MINIMUM (1) PERCENT SOLUTION OF CHLORINE JUST PRIOR TO BEING INSTALLED, IF THE TOTAL LENGTH OF CONNECTION FROM THE END OF A NEW MAIN TO THE EXISTING MAIN IS EQUAL TO OR LESS THAN 18 FT. (5.5mm)
- SEC. 9.2 CONNECTIONS GREATER THAN ONE PIPE LENGTH (>18 FT. [5.5mm])
- AS AN OPTIONAL PROCEDURE (IF SPECIFIED BY PURCHASER), THE PIPE REQUIRED FOR THE CONNECTION MUST BE SET UP ABOVEGROUND, DISINFECTED AND BACTERIOLOGICAL SAMPLES TAKEN, AS DESCRIBED IN SEC. 5 THROUGH SEC. 8, IF THE TOTAL LENGTH OF CONNECTION FROM THE END OF A NEW MAIN TO THE EXISTING MAIN IS GREATER THAN 18 FT. (5.5mm). AFTER SATISFACTORY BACTERIOLOGICAL SAMPLE RESULTS HAVE BEEN RECEIVED FOR THIS "PRE-DISINFECTED" PIPE, THE PIPE CAN BE USED IN CONNECTING THE NEW MAIN TO THE ACTIVE DISTRIBUTION SYSTEM. BETWEEN THE TIME THAT SATISFACTORY BACTERIOLOGICAL SAMPLE RESULTS ARE RECEIVED AND THE TIME THAT THE CONNECTION PIPING IS INSTALLED, THE ENDS OF THIS PIPING MUST BE SEALED WITH PLASTIC WRAPS OR WATERTIGHT PLUGS OR CAPS.



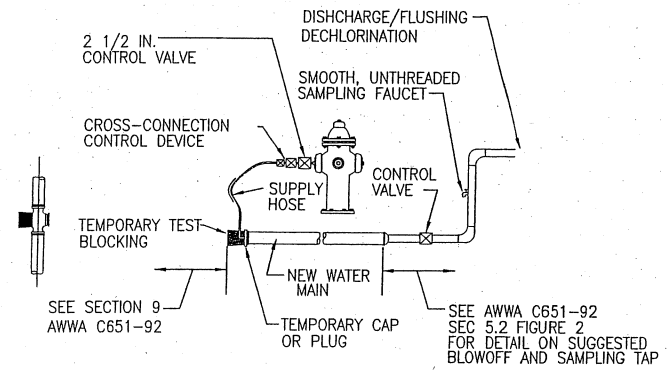
- NOTES:
1. ANCHORING TYPE 90° BEND SHALL ONLY BE USED WHERE RIGHT-OF-WAY CONSTRUCTIONS WILL NOT ALLOW INSTALLATION OF A STRAIGHT ASSEMBLY.

WATER SERVICE LOCATION DETAIL
(FIG. 404)



- NOTES:
1. ALL FITTINGS SHALL BE BRASS WITH COMPRESSION/PACK JOINT TYPE CONNECTIONS.
 2. NO SERVICE LINE SHALL TERMINATE UNDER A DRIVEWAY.
 3. EACH SERVICE SHALL TERMINATE AT A CURB STOP(S) WHICH SHALL BE BURIED APPROXIMATELY 3" BELOW FINAL GRADE AND SHALL BE CLEARLY MARKED WITH A 2" X 2" X 18" STAKE WITH THE TOP PAINTED BLUE AND MARKED WITH THE NUMBER OF THE LOT(S) TO BE SERVED.

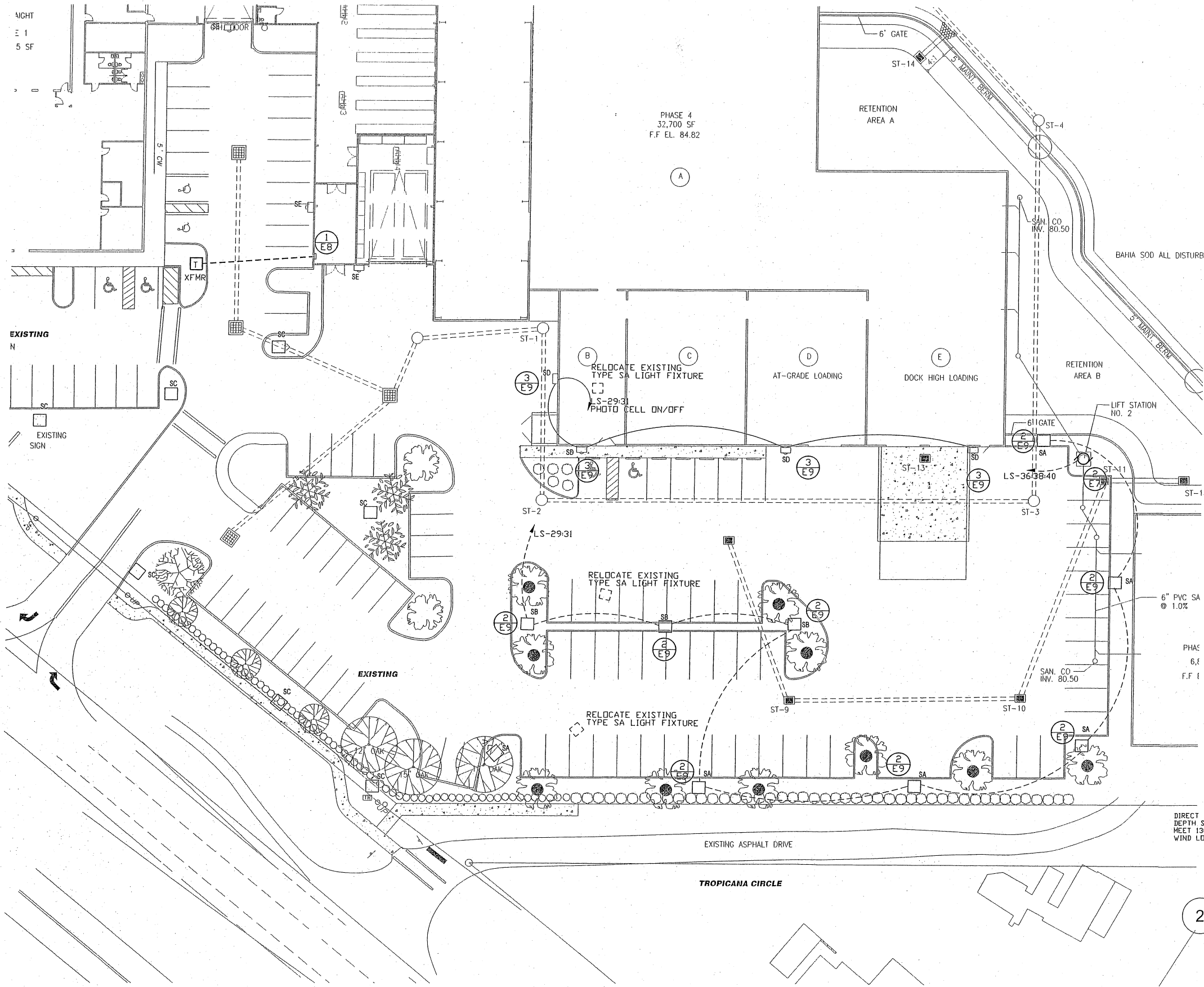
WATER SERVICE CONNECTION DETAILS
(FIG. 405)



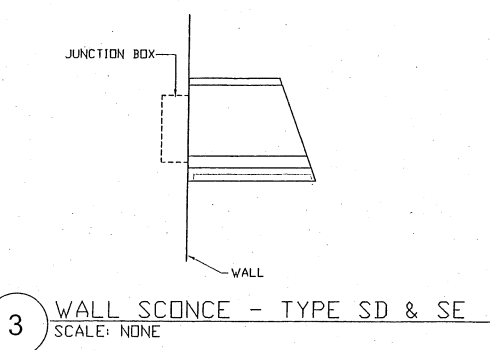
- * CLEAN POTABLE-WATER HOSE ONLY. SIZE AND NUMBER OF TAPS PER AWWA C-651-92 SECTION 5.2.2 TABLE 3. THIS HOSE MUST BE REMOVED DURING THE HYDROSTATIC PRESSURE TEST.
- NOTE: FIGURE APPLIES TO PIPE WITH DIAMETERS 4 IN.(100mm) THROUGH 12 IN.(300mm). ALL LARGER SIZES MUST BE HANDLED ON A CASE-BY-CASE BASIS.

PROJECT NO.:	DWG FILE:	DETAILS:	SCALE:	DATE:
CITY OF APOPKA	DESIGN ENGINEERING DIVISION	748 E. CLEVELAND AVENUE	APOPKA, FLORIDA 32703	TEL (407) 703-1731 FAX: (407) 703-1748
DATE:	REVISIONS:	DRAWN BY: JLT	DES. BY: JLT	CHECKED BY: JEL
				APPROVED BY: JEL
GENERAL UTILITY DETAILS 4				
PROJECT TITLE:				
SHEET				
G-4				

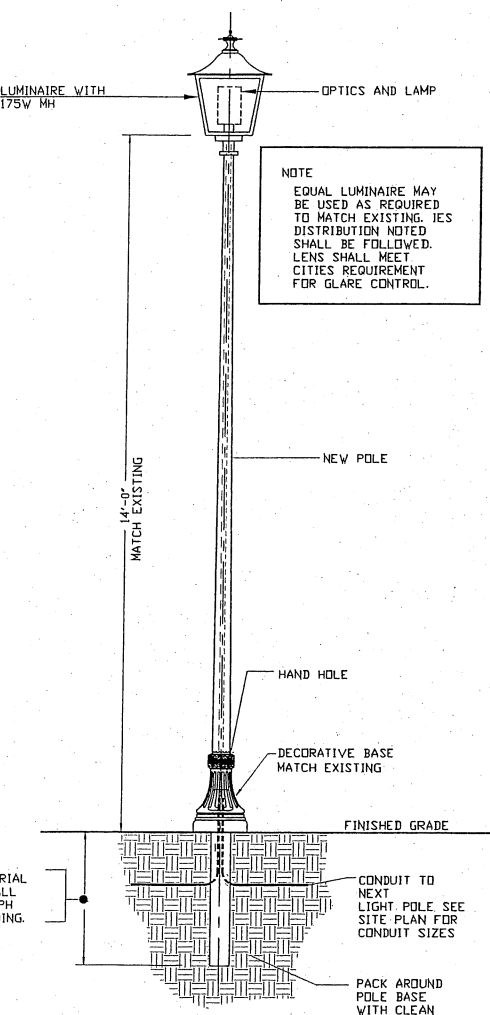
Written dimensions on these drawings shall have precedence over scaled dimensions. Contractor shall verify and be responsible for all dimensions, coordination and conditions on the job. Field verify all conditions prior to laying out or fabricating associated work. Bring to the engineers attention any deviation from designed conditions and field conditions prior to proceeding with construction. The engineer shall cooperate with engineer/architect to modify such conditions at no additional cost to the owner or the engineer. Shop details must be submitted and reviewed and approved prior to fabrication and delivery to the job site. OPES CONSULTING ENGINEERS LLC expressly reserves its common law copyright and other proprietary rights in these documents. These documents are not to be reproduced, changed, or copied in any way without the express written consent of OPES CONSULTING ENGINEERS LLC.



1 ELECTRICAL SITE PLAN
SCALE: 1"=25'-0"

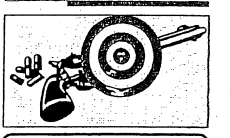


3 WALL SCONCE - TYPE SD & SE
SCALE: NONE

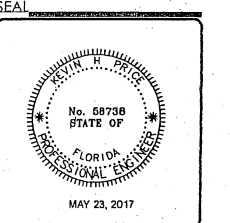


2 SITE LIGHTING-TYPE SA, SB & SC
SCALE: 1/2"=1'-0"

OPES
OPES CONSULTING ENGINEERS LLC
CA # 28839
12533 Browns Canal Dr., Clermont, FL 34711
PH: 352-253-1100 FAX: 352-253-1101
HVAC, ELECTRICAL & PLUMBING ENGINEERING SERVICES



Shoot Straight - Apopka
Warehouse Building -- Phase 4
with Birchmier Construction
1349 South Orange Blossom Trail
Apopka, Florida 32703

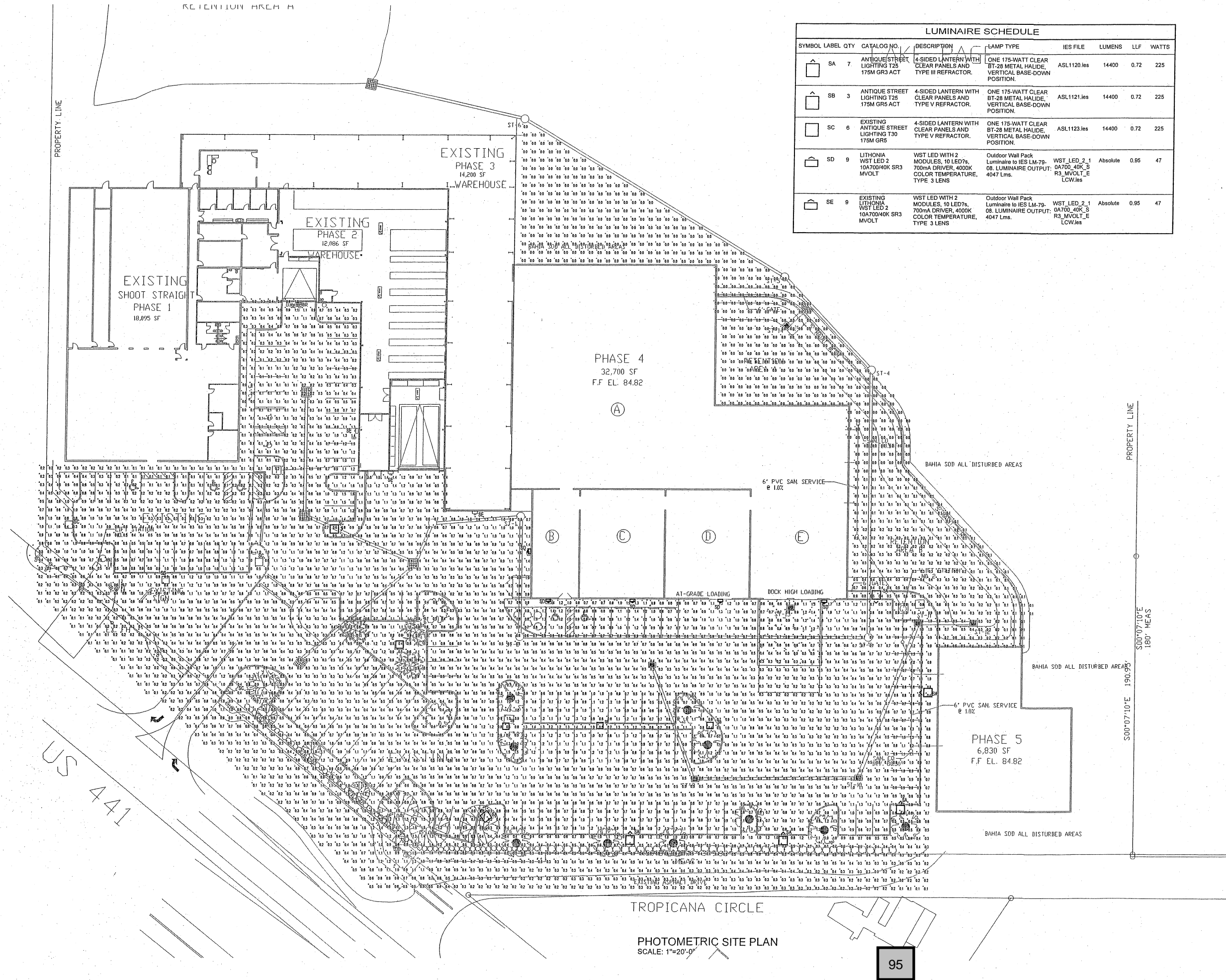


REVISIONS		
#	DATE	DESCRIPTION
1	5/19/2017	not for construction
2	5/23/2017	FOR PRICING ONLY
3	6/2/2017	REV 1
4		
5		
6		

DRAWING INFO	
PROJECT #:	1628
DRAWN BY:	RBH
CHECKED BY:	KP/RBH
DATE:	5/8/2016

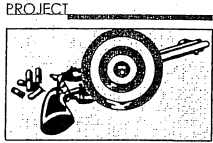
SHEET TITLE
SITE PLAN
DRAWING NO.
E9

When dimensions on these drawings shall have precedence over scaled dimensions. Contractor shall verify and be responsible for all dimensions, coordination and conditions on the job. Field verify all conditions prior to laying out or fabricating associated work. Bring to the engineers attention any deviation from designed conditions and field conditions prior to construction. The engineer/architect shall not be responsible for any conditions or conditions that may be encountered by the engineer/architect to modify such conditions at no additional cost to the owner or the engineer. Shop details must be approved by the engineer/architect prior to ordering materials, fabrication and delivery to the job site. OPES CONSULTING ENGINEERS LLC expressly reserves its common law copyright and other proprietary rights in these documents. These documents are not to be reproduced, changed, or copied in any way without the express written consent of OPES CONSULTING ENGINEERS LLC.

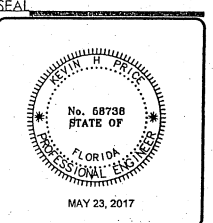


LUMINAIRE SCHEDULE									
SYMBOL	LABEL	QTY	LITONIA CATALOG NO.	DESCRIPTION	LAMP TYPE	IES FILE	LUMENS	LLF	WATTS
SA	7	ANTIQUE STREET LIGHTING T25 175M GR3 ACT	4-SIDED LANTERN WITH CLEAR PANELS AND TYPE III REFRACTOR.	ONE 175-WATT CLEAR BT-28 METAL HALIDE, VERTICAL BASE-DOWN POSITION.	ASL1120.ies	14400	0.72	225	
SB	3	ANTIQUE STREET LIGHTING T25 175M GR5 ACT	4-SIDED LANTERN WITH CLEAR PANELS AND TYPE V REFRACTOR.	ONE 175-WATT CLEAR BT-28 METAL HALIDE, VERTICAL BASE-DOWN POSITION.	ASL1121.ies	14400	0.72	225	
SC	6	EXISTING ANTIQUE STREET LIGHTING T30 175M GR5	4-SIDED LANTERN WITH CLEAR PANELS AND TYPE V REFRACTOR.	ONE 175-WATT CLEAR BT-28 METAL HALIDE, VERTICAL BASE-DOWN POSITION.	ASL1123.ies	14400	0.72	225	
SD	9	LITHONIA WST LED 2 10A700/40K SR3 MVOLT	WST LED WITH 2 MODULES, 10 LED's, 7000A DRIVER, 4000K COLOR TEMPERATURE, TYPE 3 LENS	Outdoor Wall Pack Luminaire to IES LM-79-08. LUMINAIRE OUTPUT: 4047 Lms.	WST_LED_2_1 0A700_40K_S R3_MVOLT_E LCW.ies	Absolute	0.85	47	
SE	9	EXISTING WST LED 2 10A700/40K SR3 MVOLT	WST LED WITH 2 MODULES, 10 LED's, 7000A DRIVER, 4000K COLOR TEMPERATURE, TYPE 3 LENS	Outdoor Wall Pack Luminaire to IES LM-79-08. LUMINAIRE OUTPUT: 4047 Lms.	WST_LED_2_1 0A700_40K_S R3_MVOLT_E LCW.ies	Absolute	0.85	47	

OPES
 OPES CONSULTING ENGINEERS LLC
 C.A. # 26839
 12033 Browns Canal Dr., Clermont, FL 34711
 HVAC, ELECTRICAL & PLUMBING ENGINEERING SERVICES



PROJECT
Shoot Straight - Apopka Warehouse Building -- Phase 4
 with Birchmier Construction
 1349 South Orange Blossom Trail
 Apopka, Florida 32703

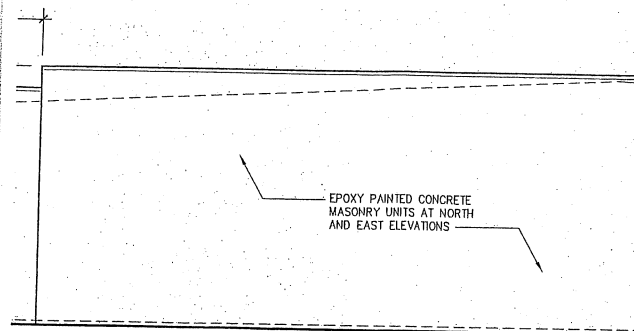


REVISIONS

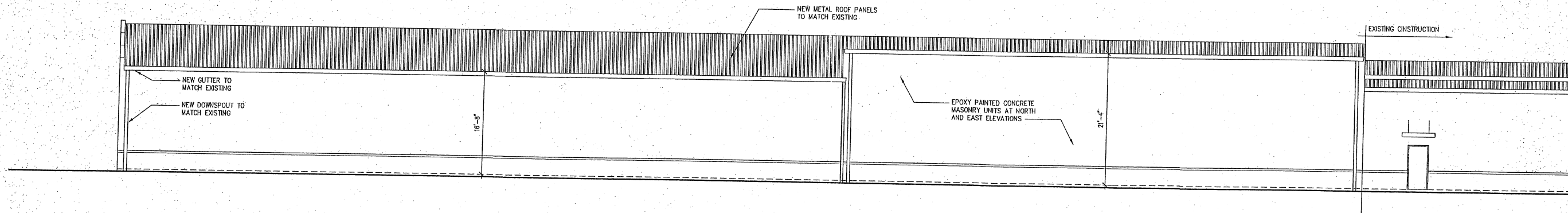
#	DATE	DESCRIPTION
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2	5/23/2017	FOR PRICING ONLY
3	6/2/2017	REV 1
4		
5		
6		

DRAWING INFO
 PROJECT #: 1428
 DRAWN BY: RBH
 CHECKED BY: KPI/RBH
 DATE: 5/8/2016

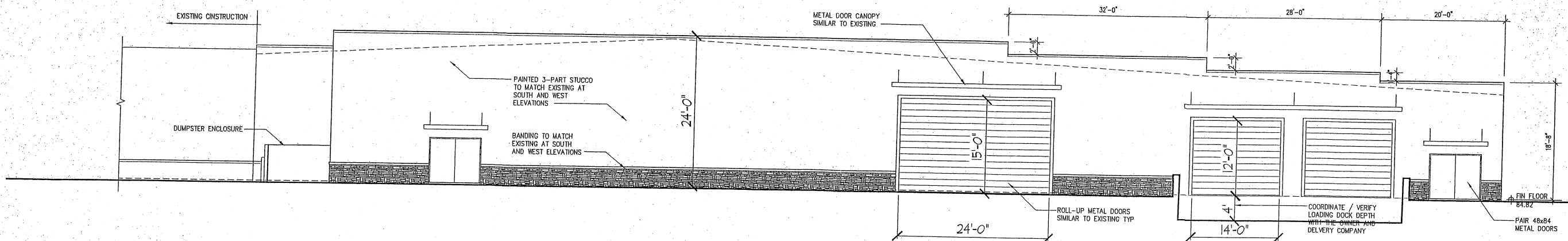
SHEET TITLE
 SITE PLAN
 PHOTOMETRICS
 DRAWING NO.
E10



3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

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2017 PHASE 4
WAREHOUSE ADDITION
Apopka, Florida



BIRCHMER CONSTRUCTION
549 N. Wyman Rd., Suite 206
Maitland, Florida 32751
(407) 786-9724 | CD42156

To the best of the Architect's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety requirements as administered by the local authority having jurisdiction, Florida Building Code, Chapter 630, Florida Statutes.



Valiente Architect LLC
715 Grand Circle
Temple Terrace, Florida
813 958-1545
AA28002283

JOB NO. 2017-20
DATE May 19, 2017
DRAWN BY
REV. 1
REV. 2
REV. 3
REV. 4
REV. 5
REV. 6
REV. 7
REV. 8
REV. 9
REV. 10
REV. 11
REV. 12

PRELIMINARY
NOT FOR CONSTRUCTION

Architect of Record
Eduardo R. Valiente
ARS2358

Backup material for agenda item:

3. Plat – First Street Retail Center Plat (aka Tractor Supply Site) –180 East 1st Street – Quasi-Judicial Moon

David



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Subdivision Plan

MEETING OF: August 16, 2017
 FROM: Community Development
 EXHIBITS: Vicinity Map
 Aerial Map
 Final Plat

SUBJECT: PLAT - FIRST STREET RETAIL CENTER PLAT (AKA TRACTOR SUPPLY SITE)

REQUEST: APPROVE THE FIRST STREET REATAIL CENTER PLAT

SUMMARY:

OWNER: Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP
 ENGINEER: Hanlex Civil, LLC
 LOCATION: 180 West 1st Street (South of 1st Street and East of Washington Avenue)
 PARCEL ID NUMBERS: 09-21-28-0196-10-040, 09-21-28-0196-10-064 and 09-21-28-0196-10-122
 FUTURE LAND USE: Commercial
 ZONING: C-2
 EXISTING USE: Horticultural Nursery
 PROPOSED USE: Retail Center
 TRACT SIZE: 3.09 +/- Acres (S.F.)
 BUILDING SIZE: 19,027 S.F. and 18,000 Outdoor Display Area
 BUILDING HEIGHT: 30 Feet
 FLOOR AREA RATIO: 0.14

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RELATIONSHIP TO ADJACENT PROPERTIES:

Direction	Future Land Use	Zoning	Present Use
North (City)	Commercial	PO/I	Office Building and Residential Duplex
East (City)	Office	PO/I	SFR (4)
South (City)	Commercial	C-2	Gas Station and Automotive Repair
West (City)	Commercial	C-2	Retail and Warehouse Buildings

ADDITIONAL COMMENTS: The First Street Retail Center Plat covers the property occupied by the Tractor Supply- Apopka - Final Development Plan, which was approved by City Council on December 21, 2016 for 19,027 square feet of commercial retail space with and 18,000 square feet outdoor display area. To consolidate existing lots into one parcel, the plat performs as a replat to create one unified development parcel. The 3.9 acres site is located south of West 1st Street and East of Washington Ave. The plat will consolidate several lots into one lot to unify the property ownership and eliminate lot lines crossing the development site.

PUBLIC HEARING SCHEDULE:

August 8, 2017 – Planning Commission (5:30 pm)
 August 16, 2017- City Council (7:00 pm)

RECOMMENDATION ACTION:

The **Development Review Committee** the First Street Retail Center Plat to be consistent with the Comprehensive Plan, Land Development Code, and Tractor Supply Final Development Plan and recommends the approval of the First Street Retail Center Plat, subject to the findings of this staff report and conditions of approval.

The **Planning Commission**, at its meeting on August 8, 2017, found the First Street Retail Center Plat consistent with the Comprehensive Plan, Land Development Code, and Final Development Plan; and unanimously recommended approval of the First Street Retail Center Plat, subject to the findings of this staff report and conditions of approval.

City Council: Approve the First Street Retail Center Plat.

Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

Application: First Street Retail Center Plat
Owner: Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP
Applicant: Hanlex First Street, LLC
Engineer: Hanlex Civil, LLC
Parcel I.D. No's: 09-21-28-0196-10-040, 09-21-28-0196-10-064 and 09-21-28-0196-10-122
Location: 180 East 1st Street
Total Acres: 3.90 +/- Acres



VICINITY MAP





AERIAL MAP



FIRST STREET RETAIL CENTER

SHEET 1 OF 2

A REPLAT OF LOTS 4, 5, 10, AND 11, AND A PORTION OF LOTS 6 AND 12, BLOCK A, TOWN OF APOPKA, AS RECORDED IN PLAT BOOK A, PAGES 87 TO 109 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA SECTION 9, TOWNSHIP 21 SOUTH, RANGE 28 EAST CITY OF APOPKA, ORANGE COUNTY, FLORIDA

LEGAL DESCRIPTION:

LOTS 4, 5, 10 AND 11, THE WEST 77.00 FEET OF LOT 6, AND THE WEST 77.00 FEET OF LOT 12, BLOCK A, TOWN OF APOPKA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK A, PAGE(S) 87 TO 109 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF AFORESAID LOT 4; THENCE RUN SOUTH 89°36'42" EAST ALONG THE COMMON NORTHERLY LINE OF AFORESAID LOTS 4, 5, AND 6, SAID LINE ALSO BEING THE SOUTHERLY RIGHT OF WAY OF FIRST STREET FOR A DISTANCE OF 470.84 FEET; THENCE DEPARTING SAID NORTHERLY LINE AND SOUTHERLY RIGHT OF WAY RUN SOUTH 00°24'57" WEST ALONG THE COMMON EASTERLY LINE OF AFORESAID WEST 77 FEET OF LOTS 6 AND 12 FOR A DISTANCE OF 361.08 FEET; THENCE DEPARTING SAID EASTERLY LINE RUN NORTH 89°36'42" WEST ALONG THE COMMON SOUTHERLY LINE OF AFORESAID LOTS 10, 11 AND 12, SAID LINE ALSO BEING THE NORTHERLY RIGHT OF WAY OF SECOND STREET FOR A DISTANCE OF 470.84 FEET; THENCE DEPARTING SAID SOUTHERLY LINE AND NORTHERLY RIGHT OF WAY RUN NORTH 00°24'57" EAST ALONG THE COMMON WESTERLY LINE OF AFORESAID LOTS 4 AND 10, SAID LINE ALSO BEING THE EASTERLY RIGHT OF WAY OF WASHINGTON AVENUE FOR A DISTANCE OF 361.08 FEET TO THE AFORESAID POINT OF BEGINNING.

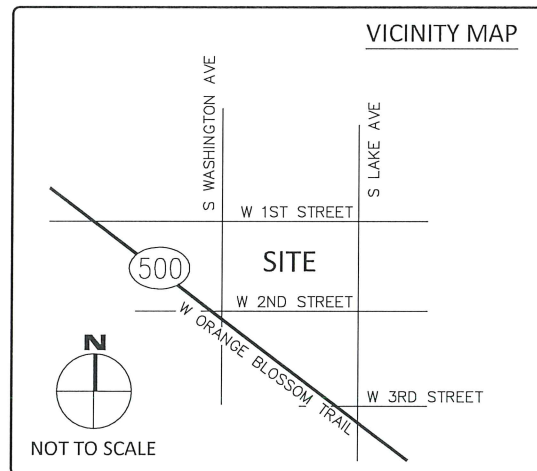
(CONTAINS 170,011 SQUARE FEET, OR 3.90 ACRES, MORE OR LESS)

NOTES:

- BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE SOUTHERLY RIGHT OF WAY OF FIRST STREET AS HAVING A BEARING OF SOUTH 89°36'42" EAST.
- DEVELOPMENT ON THIS PROPERTY DEPICTED ON THIS PLAT IS SUBJECT TO THE REQUIREMENTS OF CHAPTER 59, THE CONCURRENCY MANAGEMENT ORDINANCE OF THE CITY OF APOPKA, WHICH GOVERNS THE CITY'S ABILITY TO ISSUE BUILDING PERMITS ON THIS PROPERTY. APPROVAL OF THIS PLAT SHALL NOT BE DEEMED TO PROVIDE ANY VESTED RIGHTS, EXCEPT AS TO THOSE MATTERS DEPICTED HEREON, THAT ARE CONSISTENT WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, OR WERE REQUIRED BY THE CITY OF APOPKA AS A CONDITION OF PLATTING.
- SUBJECT TO THE TERMS AND CONDITIONS AS SET FORTH IN THE DECLARATION OF RESTRICTIVE COVENANTS RECORDED IN BOOK 9959, PAGE 2589, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).
- ALL PLATTED UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES, THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

SYMBOL AND ABBREVIATION LEGEND:

- SET 4"x4" CONCRETE MONUMENT WITH DISK STAMPED P.R.M. LS# 6961
- ⊙ SET 1/2" NAIL AND DISK STAMPED P.C.P. LS# 6961
- ⊕ CENTERLINE
- P.B. PLAT BOOK
- PG. PAGE
- O.R. OFFICIAL RECORDS BOOK
- P.O.B. POINT OF BEGINNING
- R/W RIGHT OF WAY
- P.R.M. PERMANENT REFERENCE MONUMENT
- P.C.P. PERMANENT CONTROL POINT
- U.E. UTILITY EASEMENT
- S.E. STORM EASEMENT
- ND NAIL AND DISK
- CCR CERTIFIED CORNER RECORDS
- P.C. POINT OF CURVATURE
- P.C.C. POINT OF COMPOUND CURVATURE
- P.T. POINT OF TANGENCY
- P.I. POINT OF INTERSECTION



SHEET INDEX:

SHEET 1 OF 2 - LEGAL DESCRIPTION, DEDICATION, NOTES, AND LEGEND

SHEET 2 OF 2 - BOUNDARY GEOMETRY



NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PLAT BOOK:

PAGE:

FIRST STREET RETAIL CENTER

DEDICATION

KNOW ALL BY THESE PRESENTS, That Hanlex First Street, LLC, a Florida corporation named below, being the owner in fee simple of the lands described in the foregoing caption to this plat, hereby dedicates said lands and plat for the uses and purposes therein expressed.

IN WITNESS THEREOF, has caused these presents to be signed and attested to by the officers named below on.

Hanlex First Street, LLC

By: _____

Printed Name _____

Attest: _____

Printed Name _____

Signed in the presence of:

By: _____

Printed Name _____

By: _____

Printed Name _____

STATE OF _____ COUNTY OF _____

THIS IS TO CERTIFY, That on _____ before me, an officer duly authorized to take acknowledgements in the State and County aforesaid, personally appeared _____ of the above named corporation

incorporated under the laws of Florida who is/are personally known to me or have produced the following identification _____ and who executed the foregoing dedication and acknowledged the execution thereof to be their free act and deed as such officers thereto duly authorized and that said dedication is the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereto set my hand and seal on the above date.

NOTARY PUBLIC _____

My Commission Expires _____

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL BY THESE PRESENTS, That undersigned, being a professional surveyor and mapper that has prepared the foregoing plat and was made under my direction and supervision and that the plat complies with all of the survey requirements of Chapter 177, Florida Statutes; and that said land is located in the City of Apopka, Orange County, Florida.

Dated: _____ Signed: _____

Registration Number 6961 SHERRY L. MANOR, PSM
L&S DIVERSIFIED, LLC
LICENSED BUSINESS NUMBER 7829
405 LAKE HOWELL ROAD, SUITE 1001
MAITLAND, FL 32751

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on the _____

_____ approved the foregoing plat.

MAYOR

ATTEST: _____

City Clerk

CERTIFICATE OF APPROVAL BY PLANNING COMMISSION

THIS IS TO CERTIFY that on _____, 2017 the Planning Commission of the City of Apopka approved the foregoing plat.

_____, Chairman

CERTIFICATE OF APPROVAL BY CITY ENGINEER

Examined and Approved: _____ Date: _____

City Engineer: _____

CERTIFICATE OF REVIEWING SURVEYOR

Reviewed for conformity to Florida State Statute 177

Licensed Surveyor: _____ Date: _____

Registration no. _____ Certificate of Authorization No. _____

CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY that the foregoing plat was recorded in the Orange County Official Records on _____, 2017 as File No. _____

County Comptroller in and for Orange County, Florida

By: _____

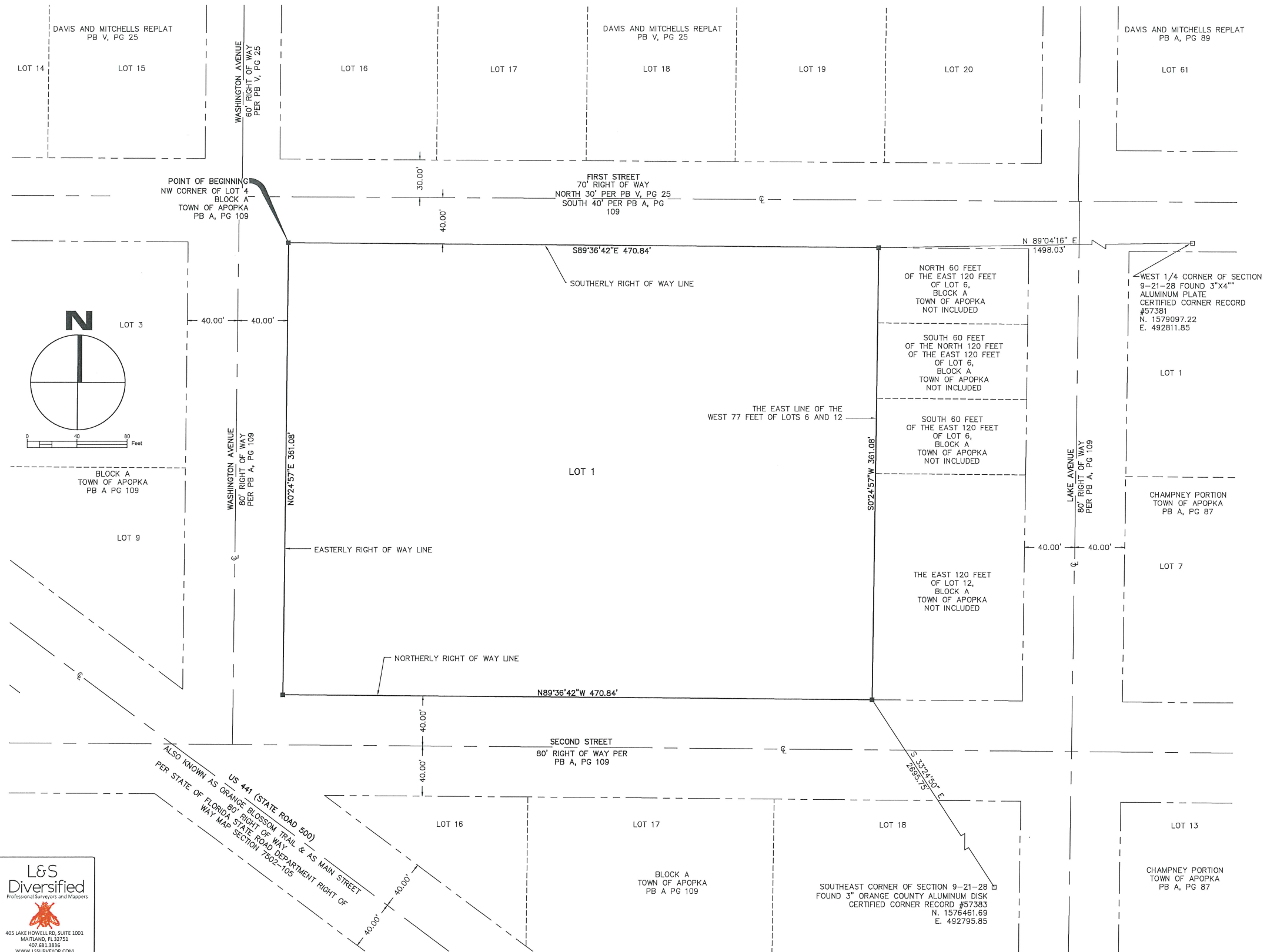
FIRST STREET RETAIL CENTER

SHEET 2 OF 2

PLAT BOOK:

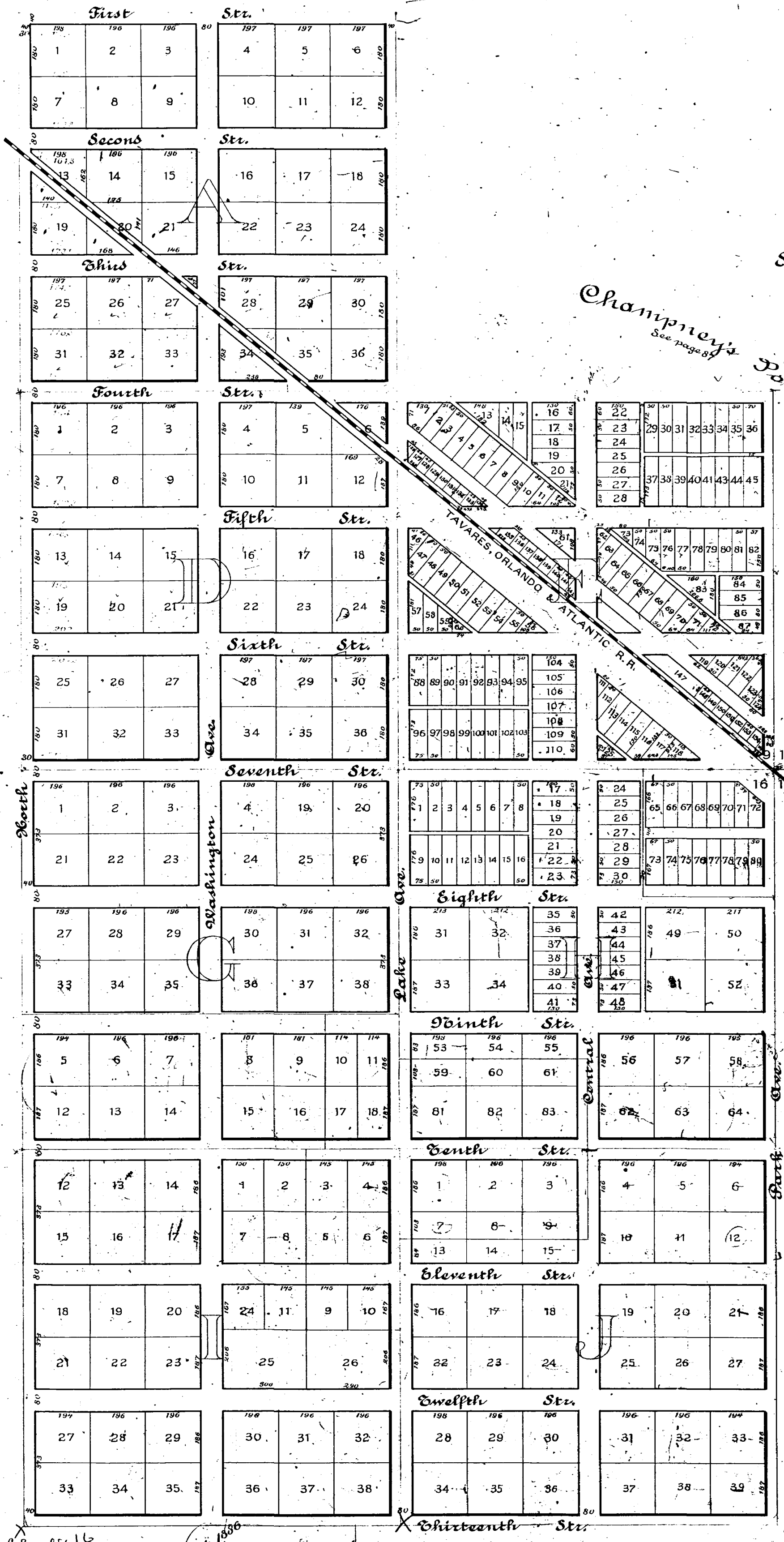
PAGE:

A REPLAT OF LOTS 4, 5, 10, AND 11, AND A PORTION OF LOTS 6 AND 12, BLOCK A, TOWN OF APOPKA,
AS RECORDED IN PLAT BOOK A, PAGES 87 TO 109 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA
SECTION 9, TOWNSHIP 21 SOUTH, RANGE 28 EAST
CITY OF APOPKA, ORANGE COUNTY, FLORIDA



Approved Street Name
Changed From: S. Lake Avenue
To: Marvin C. Zanders Avenue
Approved by Orange County: May 11, 2010

Davis and Hitchhills Addition
See page 89



The Town of Apopka
a portion of
Sects. 9, 10, 15 & 16 - T. 21 S. - R. 28 E.
Surveyed in February 1885
by H. B. & J. H. Keenan
Scale 300 ft. to 1 inch
Transcribed by A. C. Albrecht

- J. L. Sharp - N.E. five acres of the N.E. 1/4 of N.E. 1/4 (H) of Sec. 16.
- M. G. Wadsworth - N.W. 1/4 of S.E. 1/4 (A) except W 1/2, and S 1/2 of S.E. 1/4 (D & E) Sec. 9.
- F. H. Davis - N.E. 1/4 of N.E. 1/4 (H) of Sec. 16 except N.E. five acres and Lots 59, 60, 61, 81, 82, 83.
- E. C. Morgan - N. 1/2 of N.W. 1/4 of N.E. 1/4 (G) and S.W. 1/4 of N.E. 1/4 (I) of Sec. 16 except Lots 3, 4, 5, 6, 9 and 10.
- R. A. Parrish - S. 1/2 of N.W. 1/4 of N.E. 1/4 (G) of Sec. 16 except Lots 10, 11, 17 and 18.
- G. C. Manger - S.E. 1/4 of N.E. 1/4 (J) of Sec. 16 except Lots 1, 2, 3, 7, 8 and 9.
- T. O. & A. R. R. - W. 1/2 of N.W. 1/4 of S.E. 1/4 (A) Sec. 9, Lots 10, 11, 17 and 18 in N.W. 1/4 of N.E. 1/4 (G) of Sec. 16, Lots 59, 60, 61, 81, 82, and 83 in N.E. 1/4 of N.E. 1/4 (H) of Sec. 16, Lots 3, 4, 5, 6, 9 and 10 in S.W. 1/4 of N.E. 1/4 (I) of Sec. 16 and Lots 1, 2, 3, 7, 8 and 9 in S.E. 1/4 of N.E. 1/4 (J) of Sec. 16.

Note: The red figures in the West two (2) lots in Blocks 1 and 2 give the width of those lots after a roadway of the 1/2 sec. line on their West boundary made by S. P. Shepherd Dec. Co. Surv. July 1886.

SEE RESOLUTION TOWN OF APOPKA CITY RECORDED DEC. 29, 1956 IN O.R. BOOK 182 PAGE 81 CLOSING THAT PART OF 6TH STREET WITHIN A STRIP OF LAND 82 FEET MORE OR LESS NELY OF C/L OF SAL RY

SEE: OR 2614 PG. 985; CLOSING OF ALLEY BETWEEN SECOND ST. AND THIRD ST. EXTENDING FROM PARKWAY TO FOREST AVE. BLOCK C AND REVISED C IN PLAT A PG. 104. RECORDED APRIL 21, 1975

SEE: Resolution No. 7506 Closing Alley running between Lots 199-209 and 216, revision block C and Lots 16 and W 1/2 of Lot 15 and 19-24. Block C, TOWN OF APOPKA as recorded in O.R. 2626 pg. 962.

SEE: RESOLUTION CITY OF APOPKA RECORDED IN O.R. 2552 PAGE 161, DATED JULY 29, 1974 CLOSING ALLEY RUNNING THROUGH LOTS 46 TO 53 AND 57 TO 60. BLOCK E, TOWN OF APOPKA D-874 109 OWNED BY WILSON AND CAROL HAMRICK. SEE O.R. BOOK 2570 PAGE 757 DATED SEPT. 25, 1974. RESOLUTION AMENDING RESOLUTION NO. 7411 CORRECTING TO READ D-874 109 TO READ A-874 109.

SEE: RESOLUTION CITY OF APOPKA, RECORDED IN O.R. BOOK 2753 PAGE 1451, DATED SEPT. 4, 1974. RESOLUTION CLOSING ALLEY ALLEY RUNNING DIAGONALLY BETWEEN LOTS 1-6 AND LOTS 13 IN TOWN OF APOPKA, BLOCK E-A-109.

CITY OF APOPKA SEE RESOLUTION CLOSING PORTION OF ALLEY RUNNING NORTHWEST AND SOUTHWEST THROUGH BLOCK "E" BETWEEN FIFTH STREET AND SIXTH STREET AND CENTRAL AVE. AND PARK AVE. ON THE EAST AND WEST. SEE O.R. BOOK 2656 PAGE 738 FOR MORE DETAILED INFORMATION. RESOLUTION WAS APPROVED BY APOPKA TOWN COUNCIL DEC. 5, 1956

RESOLUTION CLOSING PORTION OF THIRD ST. BOUNDED BY 441 ON THE EAST AND BY S.A.L. RAILROAD. SEE: O.R. 3183 PG. 1397.

RESOLUTION AMENDING LEGAL DESCRIPTION, CLOSING A PORTION OF THIRD ST. BOUNDED BY 441 ON THE EAST AND BY S.A.L. RAILROAD ON THE WEST. RECORDED IN O.R. 3209 PG. 669.

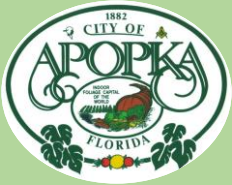
CLOSING PORTION OF ALLEY RUNNING EAST AND WEST BETWEEN LOTS 73 THRU 81 AND LOTS 89 THRU 97, BLK. E. RECORDED IN O.R. 3211 PG. 304.

DEPRIVAGE AND UTILITIES EASEMENT, THE NORTH 20 FT. OF THE WEST 146 FT. OF LOT 14, BLK. G. RECORDED IN O.R. BK. 3279 PG. 1892 FILED 5-7-82 FILED

Filed and recorded Alan 4th 1886
By [Signature]

Backup material for agenda item:

1. Ordinance No. 2582 – First Reading – Banning medical marijuana dispensing facilities - Legislative David Moon



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Ordinance

MEETING OF: August 16, 2017
 FROM: Community Development
 EXHIBITS: Proposed Ordinance No. 2582
 Ordinance No. 2388

SUBJECT: **ORDINANCE NO. 2582 - AMENDING THE CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III, SECTION 3.05, TO ESTABLISH A PROHIBITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE BOUNDARIES OF THE CITY AS AUTHORIZED BY SECTION 381.986, FLORIDA STATUTES.**

REQUEST: **FIRST READING OF ORDINANCE NO. 2582 – AMENDMING THE CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III, SECTION 3.05, TO ESTABLISH A PROHIBITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES**

SUMMARY:

The City of Apopka adopted Ordinance 2388 on May 6, 2015 to regulate and govern the location and extent of the cultivation, processing and dispensing of cannabis and medical marijuana within the City of Apopka. A need to regulate medical marijuana emerged on June 16, 2014, when Governor Scott signed the Compassionate Medical Cannabis Act of 2014 into law, allowing for the cultivation, processing and dispensing of low THC cannabis statewide, subject to local government zoning laws.

The Florida Legislature passed new laws in 2017 regarding medical marijuana in reaction to a state-wide referendum approved in November 2016 to expand opportunities for the availability of marijuana for medical purposes. Section 381.986 (11) of the Florida Statutes now states if medical marijuana treatment center dispensing facilities are not banned in the municipality, the municipality may not enact any ordinance which limits the number or the location of the dispensing facilities. This in effect is more restrictive than how a pharmacy is regulated in a municipality. In summary, local governments can only regulate medical marijuana dispensaries in the same and equal manner that it regulates pharmacies. The two must be treated the same under a local governments zoning laws and development standards.

However, the Florida Legislature in 2017 also gave local governments the opportunity to ban medical marijuana dispensaries. Whereas Florida law limits a local government’s ability to govern the location and extent of medical marijuana dispensaries within the City of Apopka; and whereas the impacts of such use on adjacent or nearby residential areas, schools, religious facilities, and government properties is uncertain; the Development Review Committee and City staff recommend that the City Council ban dispensaries until the City gains more information and knowledge regarding the impacts generated by medical marijuana dispensaries.

Cultivation and processing of cannabis\medical marijuana is not affected by proposed Ordinance 2582. These activities are allowed subject to regulations established through Ordinance 2388.

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator

Finance Director
 HR Director
 IT Director

Public Services Director
 Recreation Director
 City Clerk

CITY COUNCIL – AUGUST 16, 2017
ORDINANCE NO. 2582 – MEDICAL MARIJUANA DISPENSARY PROHIBITION
PAGE 2

Community Development Director

Police Chief

Fire Chief

PUBLIC HEARING SCHEDULE:

August 8, 2017 – Planning Commission (5:30 pm)

August 16, 2017 – City Council 1st Reading (7:00 pm)

September 6, 2017 – City Council 2nd Reading (1:30 pm)

DULY ADVERTISED:

July 21 & 28, 2017 – Public Hearing Notice\Ordinance Heading

August 25, 2017 – Ordinance Heading

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the Proposed Ordinance 2582, Prohibiting Medical Marijuana Dispensaries within the City of Apopka.

The **Planning Commission**, at its meeting on August 8, 2017, unanimously recommended approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article III, Section 3.05, to establish a prohibition of medical marijuana treatment center dispensing facilities.

Accept the First Reading of Ordinance No. 2582 and Hold it Over for Second Reading and Adoption on September 6, 2017.

Note: This item is considered legislative and establishes general policy. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

ORDINANCE NO. 2582

AN ORDINANCE ESTABLISHING A PROHIBITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE BOUNDARIES OF THE CITY AS AUTHORIZED BY SECTION 381.986, FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION; MORATORIUM CONTINGENCY; SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City of Apopka has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 and 166, Florida Statutes; and Section 381.986, Florida Statute; and

WHEREAS, potential adverse impacts on the health, safety, and welfare of residents and businesses from secondary effects associated with the sale and distribution of marijuana exists, potentially including; offensive odors, trespassing, theft, fire hazards, increased crime in and about the medical marijuana dispensing facility businesses, robberies, negative impacts on nearby businesses and residences, nuisance problems, and potential reduction in property values in the surrounding area;

WHEREAS, certain of the above potential adverse impacts are accentuated by the current difficulties experiences by medical marijuana dispensing facility businesses in obtaining banking services for selling a substance in violation of federal law, necessitating such businesses to operate on a cash basis; and

WHEREAS, there exists the potential for misappropriation and diversion of medical marijuana to non-medical uses; and

WHEREAS, in 1996, the state of California became the first state to legalize the use of medical marijuana, and several other states subsequently enacted laws legalizing medical marijuana in various circumstances; and

WHEREAS, the California Police Chiefs Association developed a Task Force on Marijuana Dispensing facilities that prepared the “White Paper on Marijuana Dispensing facilities” published in 2009 (“White Paper”); and

WHEREAS, the White Paper examined the direct and indirect adverse impacts of marijuana in local communities and indicated that marijuana dispensing facilities may attract or cause ancillary crimes, and may result in adverse effects, such as marijuana smoking in public, the sale of other illegal drugs at dispensing facilities, loitering and nuisances, and increased traffic at dispensing facilities; and

WHEREAS, the White Paper further indicates that the presence of marijuana dispensing businesses may contribute to the existence of a secondary market for illegal, street-level distribution of marijuana; and

WHEREAS, the White Paper outlines the following typical complaints received from individuals regarding certain marijuana dispensing facility study areas; high levels of traffic going to and from the dispensing facilities, people loitering in the parking lot of the dispensing facilities, people smoking marijuana in the parking lot of the dispensing facilities; vandalism near dispensing facilities, and citizens worried that they may become a crime victim due to the proximity to dispensing facilities; and

WHEREAS, the White Paper ultimately concludes that there are or may be adverse secondary effects created by the presence of medical marijuana dispensing facilities in communities; and

WHEREAS, The Marijuana Policy Group has published a memorandum called “Municipal Dispensary Allocation; Florida” which evaluated the market need for medical marijuana dispensing facilities and the harmful consequences and secondary effects of oversaturation of medical marijuana dispensing facilities within the market place; and

WHEREAS, the Marijuana Policy Group determined that Florida should have no more than one dispensing facility for each 50,000 residents and the optimal ratio is one dispensing facility per 67,222 residents. The City of Apopka has an estimated population of 48,000 residents, well below the estimated ratios; and

WHEREAS, Section 381.986 (11), Florida Statutes, authorizes a municipality to “ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that municipality”; and

WHEREAS, Section 381.986 (11) also states if medical marijuana treatment center dispensing facilities are not banned in the municipality, the municipality may not enact any ordinance which limits the number or the location of the dispensing facilities which are more restrictive than how a pharmacy is regulated in that municipality; and

WHEREAS, based on the Marijuana Policy Groups analysis of optimal population ratios, the statutory restrictions placed on a municipality if they allow medical marijuana dispensaries within their jurisdiction, there is a rational basis for the City to exercise its authority under Section 381.986 to ban medical marijuana treatment center dispensing facilities within the boundaries of the City; and

WHEREAS, the City finds that this Ordinance is in the interests of public health, safety, and the welfare of its community.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA:

SECTION 1: FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2: DEFINITIONS

- (a) “Medical Marijuana Treatment Center Dispensing Facility” means any facility where medical marijuana, any product derived from medical marijuana, or any medical marijuana delivery device is dispensed at retail.

SECTION 3: CREATED

- (a) Medical Marijuana Treatment Center Dispensing Facility ban. Medical Marijuana Treatment Center Dispensing Facilities are prohibited and shall not be located within the boundaries of the City. The City shall not accept, process or approve any request or application for a development order, building permit or other approval associated with a proposed Medical Marijuana Treatment Center Dispensing Facility.

SECTION 4: CODIFICATION. This Ordinance shall be incorporated into the Apopka City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Code may be freely made.

SECTION 5: MORATORIUM CONTINGENCY. In the event Section 381.986, Florida Statute is amended or interpreted by a court of competent jurisdiction in a way as to eliminate or prevent the City’s ability to ban or prohibit Medical Marijuana Treatment Center Dispensing Facilities within the City limits, upon the effective date of such, an automatic one-year moratorium shall go into place on the acceptance, processing and approval of Medical Marijuana Treatment Center Dispensing Facilities (including by way of acceptance, proceeding and approval of applications for development orders and permits) within the City limits in order to give the City time to evaluate changes in the applicable law, the City’s ability to regulate such uses and activities and potentially enact local legislation regarding the same. Such one-year moratorium may be terminated early through resolution or ordinance of the City Council.

SECTION 6: SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7: CONFLICTS. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 8: EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Apopka, Florida.

SECTION 9: INCLUSION INTO THE LAND DEVELOPMENT CODE. It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Apopka Land Development Code, re-arranged to meet existing codification, and that sections of this ordinance may be renumbered or re-lettered and the word “Ordinance” may be changed to “section”, “article”, “regulation”, or such other appropriate word or phrase in order to accomplish such intentions.

READ FIRST TIME: August 16, 2017

READ SECOND TIME
AND ADOPTED: September 6, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda G. Goff, City Clerk

APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING:

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.

WHEREAS, the State of Florida is considering legalizing the cultivation and processing of cannabis and the dispensing of marijuana; and

WHEREAS, the purpose and intent of this Ordinance is to regulate the cultivation and processing of cannabis and the dispensing of non-medical\medical marijuana in order to promote the health, safety, and general welfare of the residents and businesses within the City.

WHEREAS, the City Council has determined that it is in the best interest of the citizenry and general public to regulate the location of cannabis cultivation and processing and marijuana dispensaries/medical marijuana treatment centers in the event the State of Florida legalizes said dispensaries, whether for medical use or non-medical use; and

WHEREAS, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

WHEREAS, the City Council has determined that given the potential impact on the surrounding area, cannabis cultivation and processing and marijuana dispensaries/medical marijuana treatment centers should only be permitted within a limited areas of the municipal limits, and non-medical marijuana sales should be prohibited within the municipal limits;

WHEREAS, the City Council has determined that it is advisable and in the public interest to set certain distance and other siting standards in regard to the location and operation of cannabis cultivation or processing or marijuana dispensaries/medical marijuana treatment centers; and

WHEREAS, the City Council of the City of Apopka finds that this ordinance promotes the general welfare and is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF APOPKA, FLORIDA, as follows:

SECTION 1. DEFINITIONS:

- a. **Agriculture:** means the science and art of production of plant(s) and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, including hay or grass harvesting and bailing operation. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.
- b. **Cannabis:** Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.
- c. **Cannabis Cultivation:** the planting, tending, improving, farming, drying or harvesting of cannabis plants from seed, juvenile stock, or grafting.
- d. **Cannabis Processing:** the preparation of the cannabis plant intended for use as medicine or medical purposes as prescribed by a licensed Florida physician.
- e. **Designated Grow Area (DGA) Overlay District.** The following areas are defined as a "Designated Grow Area" Overlay District:
 - 1) **Keene\Clarcona DGA:** All Agriculture or Industrial zoned property in the general area west of the S.R. 414 bridge at E. Keene Road, east of McQueen Road, and south of S.R. 414, as depicted in Map A: Keene\Clarcona Road DGA as delineated in Map A: Keene\Clarcona DGA.
 - 2) **Hermit Smith\Hogshead DGA:** All Agriculture or Industrial zoned property within the area west of S.R. 429, south of U.S. 441, and north of Lust Road, as delineated in Map B: Hermit Smith\Hogshead DGA.
- f. **Fully enclosed and secure structure:** A space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.
- g. **Horticulture Nursery:** an agriculture operation limited to the cultivation of fruits, vegetables, nuts, seeds, herbs, sprouts, mushrooms, algae, flowers, seaweeds and non-food crops such as grass and ornamental trees and plants.
- h. **Legacy Grow Site:** Property actively operated as a registered nursery within a Designated Grow Area for at least five continuous years preceding and measured from the effective date of this ordinance.
- i. **Marijuana Dispensary:** A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plant(s) are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local and state laws.

- j. **Marijuana Treatment Center:** A medical marijuana dispensary where qualifying patients are administered medical marijuana by medical professional licensed by the State of Florida to patients in accordance with all local and state laws.
- k. **Medical Use:** The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment, as identified by a physician licensed by the State of Florida.
- l. **Non-Medical Marijuana Sales.** The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plant(s) when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under state law.

SECTION 2. CANNABIS CULTIVATION AND PROCESSING PROHIBITED.

Cultivation or processing of cannabis for non-medical marijuana purposes is prohibited within the City of Apopka. Excepting the Designated Grow Areas described in Sec. 3a., cultivation or processing of cannabis for medical use is prohibited in all other areas of the City of Apopka. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the City of Apopka to cause or allow such parcel to be used for the cultivation or processing of cannabis plants within a fully enclosed and secure structure on the parcel, except as outlined below in Section 3.

SECTION 3. CANNABIS CULTIVATION AND PROCESSING.

- a. Cultivation or processing of cannabis for medical marijuana is allowed as a Special Exception use approved by the Planning Commission within an Agriculture or Industrial I-1 district located within a DGA or Legacy Grow Site located within a DGA as delineated in Maps "A" and "B". If a parcel, lot, or legal lot-of-record straddles the DGA boundary, no cultivation or processing can occur outside the DGA boundary.
- b. Horticulture Nursery Special Exception Prohibition. Cultivation or processing of cannabis for medical or non-medical use is prohibited as a special exception use for horticulture nursery operations. Any Special Exception approved by the City prior to the effective date of this ordinance is not allowed to cultivate or process cannabis.
- c. Enclosed Cultivation. Any cultivation of cannabis shall occur within a fully enclosed and secure structure. Outdoor cultivation is prohibited
- d. Enclosed Processing. All cannabis processing, laboratories, research activities and associated equipment occur within a fully enclosed and secured building that has been issued a building permit by the City of Apopka or Orange County.
- e. License. A valid license must be obtained from the State of Florida and remain in effect during the operation of the cannabis business. All cultivation and processing activities shall cease if a license has expired. At least seventy-two (72) hours before a cannabis cultivation or processing business terminates operation, the owner must notify the Police Chief of the City of Apopka.
- f. **Additional Special Exception Criteria:**
 - 1). Street Access. All cannabis cultivation and processing sites within the Keene\Clarcona DGA must directly access Keene Road or Clarcona Road. All cannabis cultivation and

processing sites within the Hermit Smith\Hogshead DGA must directly access Hermit Smith Road, Hogshead Road, Peterson Street, or Binion Road.

A stabilized surface acceptable to the city engineer shall be provided from the public street to any onsite processing buildings.

- 2) Utilities. All cannabis processing sites shall connect to a central water and sewer system unless otherwise temporarily waived by the City Administrator until a development agreement addresses a schedule for connecting the site to such services. Onsite wells and septic tanks may be allowed on a temporary basis through a development agreement that ensures connection to a central water and sewer systems within five years.
- 3) Employee Parking. All employee vehicle parking areas shall occur within a paved, lighted parking lot.
- 4) Distance Separation. Cultivation or processing buildings or structures shall be separated from other uses according to the following separation minimum standard:

Location of Cultivation or Processing Buildings or Structure	Affected Property (feet)			
	Vacant Parcel Assigned a Residential Zoning District	Church or Place of Worship, School, Hospital, County or Municipal Park, Day Care (F.S. 402.302)	Platted Residential Subdivision; Residential Parcel less than 5 acres	Occupied Residential Parcel Greater than 5 acres
Designated Grow Area	100	500	250	200

Distances shall be measured by drawing a straight line between the closest point of the cannabis cultivation or processing building or nursery structure to the closest property line or edge of leased space (whichever is closer) of the affected property.

- 5) Minimum Parcel Size. A minimum parcel size necessary for cultivation, processing, or combined operations within a DGA is two (2) compact and contiguous acres.
- 6) Parcel. Cannabis cultivation or processing shall occur on a separate parcel, lot, or legal lot-of-record than that on which a medical marijuana dispensaries/medical marijuana treatment centers is located.
- 7) Signage. No business identification sign (i.e., wall, monument, pole, directional) shall include the words “marijuana”, “cannabis”, or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs for any business cultivation, processing or dispensing business. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed.

- 8) Security and Safety Plan. A security and safety plan will be reviewed and approved by the chief of police or designee. The security and safety plan shall at minimum address but not be limited to, locking options, alarm systems, and video surveillance, and as otherwise determined necessary by the Police Chief. Any such documents or information for review shall be transmitted directly to the police chief's office for review and not attached to the permit as may be required by the Community Development Department. The police chief or designee will respond to the development review committee approval or denial of said plan. Any information, records, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems or other sensitive information gathered will be exempt from public records in accordance with FSS 119.071, "General exemptions from inspection or copying of public records."

SECTION 4. MARIJUANA DISPENSARIES/MEDICAL MARIJUANA TREATMENT CENTERS.

- a. *Applicable Zoning District.* Marijuana dispensaries/medical marijuana treatment centers for marijuana medical use are allowed as a Special Exception within a Commercial C-1, Industrial I-1 or Agriculture District located within a Designated Grow Area subject to compliance with the standards set forth below. No more than five (5) medical marijuana dispensary/medical marijuana treatment center establishments shall locate within each of the Designated Grow Areas.
- b. *Prohibited Locations.* Non-medical marijuana dispensaries/medical treatment centers or sales are prohibited within the jurisdictional area of the City of Apopka. Medical Marijuana dispensaries/medical marijuana treatment centers are prohibited in the City of Apopka except as allowed in Section 4.a. Zoning Districts where medical marijuana dispensaries/medical marijuana treatment centers are prohibited also include: the Downtown Development Overlay District, Community Redevelopment Area (CRA), Planned Unit Development, Mixed-EC, and Mixed-CC zoning categories.
- c. No other business shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located. This requirement does not apply to licensed nursery businesses that were operating prior to the effective date of this ordinance.
- d. Any parking demand created by marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations.
- e. *Controlled Substances.* The onsite sale, provision, or dispensing of marijuana is prohibited except as specifically authorized by state law.
- f. *Loitering.* A marijuana dispensary/medical marijuana treatment center shall provide adequate seating for its patients and business invitees. The marijuana dispensary/medical marijuana treatment center shall not direct or encourage any patient or business to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary/center operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business and depart. The marijuana dispensary/medical marijuana treatment center shall post conspicuous signs on at least three (3) sides of the building stating that no loitering is allowed on the property.

- g. *Queuing of Vehicles.* The marijuana dispensary/medical marijuana treatment center shall ensure that there is no queuing of vehicles in the rights-of-way. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- h. *No Drive-Through Service.* No marijuana dispensary/medical marijuana treatment center shall have a drive-through or drive-in service aisle. All onsite dispensing, payment for and receipt of said marijuana shall occur from within or inside the marijuana dispensary/medical marijuana treatment center.
- i. *On-Site Consumption of Marijuana and/or Alcoholic Beverages.* No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way except for medical marijuana treatment centers. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- j. *Signage.* No business identification sign (i.e., wall, monument, pole, directional, human) shall include the words "marijuana", "cannabis", or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs or on any building or structure used a marijuana dispensing/marijuana treatment center. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed
- k. *Hours of Operation.* Marijuana dispensaries/medical marijuana treatment centers shall only dispense or treat patrons between 7:00 A.M. and 8:00 P.M.
- l. *Customer Waiting Area.* All customer waiting areas shall occur within in an enclosed building. No customer waiting areas shall occur outdoors or within a porch area, whether covered or not.
- m. *Building Orientation and Design.* All customer building entrances shall be oriented to and visible from a public street. Color of any wall or roof of any marijuana dispensaries/medical marijuana treatment centers shall comply with the City's Development Design Guidelines.
- n. *Distance Separation.* No marijuana dispensary/medical marijuana treatment center shall be located within five hundred (500) feet of any school or church, or within two hundred (200) feet of any residentially zoned property, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the marijuana dispensary/medical marijuana treatment center structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer) of the school, church or residentially zoned property.
- o. *Compliance with Other Laws.* All marijuana dispensaries/medical marijuana treatment centers shall at all times be in compliance with all state regulations and the Apopka City Code of Ordinances and Land Development Code, as may be applicable and amended from time to time.
- p. *Security and Safety Plan.* Compliance with Section 3.f.8. of this ordinance is required.
- q. *Special Exception Standards.* When considering an application for marijuana dispensaries/medical marijuana treatment centers, the Planning Commission must consider the special exception criteria listed in paragraph d below, in addition to that criteria listed in subsection 2.02.B.5. The Planning Commission may deny the request, approve the request, or approve the request with conditions, based upon a review of these considerations. The Planning Commission may assign additional conditions and safeguards as deemed necessary:

- 1) Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
 - 2) No other business, aside or separate from the dispensing of marijuana shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located.
 - 3) The parcel, lot, or lot-of-record shall access a collector or arterial road.
 - 4) Additional Hours of Operation Restrictions. Hours of operation can be further restricted based on proximity of residential development or to protect the character and environment of developed surrounding areas.
- r. Exemptions. Hospitals and pharmacies licensed by the State of Florida are exempt from Section 4.

SECTION 5. GENERAL USE. PROHIBITION ON STREETS, SIDEWALKS, ALLEYS, ETC.

- 1) Regulations applicable to the consumption of medical marijuana. No person shall smoke, ingest, or otherwise consume medical marijuana in the City of Apopka unless such smoking, ingesting or consumption occurs entirely within a private residence, or within a clinic, health care facility, residential care facility, or residential hospice licensed pursuant to applicable provisions of Florida Statutes.
- 2) It is unlawful for any person to purchase, use, smoke, ingest, offer for sale, possess, consume, or carry any non-medical\medical marijuana in any public park or governmental property or on the public right -of -way, inclusive of streets, sidewalks or alleys, within the Municipal Corporate Limits of the City of Apopka Florida.
- 3) It is unlawful for any person to purchase, use, smoke, ingest, offer for sale, possess, consume or carry non-medical\medical marijuana or carry in or upon any parking area open to public use or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property.
- 4) It is unlawful for any person to smoke, ingest, or otherwise consume or carry or use non-medical\medical marijuana while such person is in or on any vehicle which is located in or upon any parking area open to public use, or in or upon any private property without consent of the owner or in any public park or governmental property or on the public right -of -way, inclusive of streets, sidewalks or alley.
- 5) It is unlawful for any person to smoke, ingest or otherwise consume or use any non-medical\medical marijuana on the streets, sidewalks or alleys within the city, while such person is an operator or passenger in or on any vehicle, whether moving or stopped, and such consumption is open to public view.

SECTION 6. Notwithstanding any other provision, it is unlawful for any person to utilize medical marijuana in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys, within the city; in or upon any parking area open to public use, or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property; or when such person is in or on any vehicle which is located in or upon any parking area open to public use, or

in or upon any private property or in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys.

SECTION 7. It is unlawful for any vendor, or for any agent, servant or employee of such vendor, to permit the use of medical marijuana in or upon any parking or other area outside of the vendor's building or room if such parking or other area is adjacent to the building or premises in which the business licensed is operated, when such parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such licensed vendor or any agent, servant or employee of such licensed vendor. A licensed vendor may post and maintain a legible painted or printed sign in at least two separate prominent places on such parking or other area, with sufficient light directed thereon to be visible during the hours of darkness while such place of business is open, in letters not less than three inches in height, stating the following: "WARNING: Utilization of medical marijuana on this Lot Prohibited—\$500.00 Fine and/or 60 days in Jail—City Ordinance." Posting of such signs shall constitute prima facie evidence that such vendor is not operating in violation of subsection (a) of this section. If any licensed vendor mentioned in this section is a corporation, then the officers of such corporation shall be regarded as the owners thereof for the purposes of enforcement of this section.

SECTION 8. PENALTIES. Any person violating any of the provisions of this article shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. § 162.22, (1997). Each incident or separate occurrence of any act that violates this article shall be deemed a separate offense. In addition to the penalties provided under this section, violators of this article shall be subject to any other appropriate civil or criminal action provided by law in a court of competent jurisdiction, including, but not limited to, injunctive relief.

SECTION 9. CONFLICTS. Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of such conflict.

SECTION 10. SEVERABILITY. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage and adoption by the City Council as to the acceptable siting locations for marijuana dispensaries/medical marijuana treatment centers, however the designation of a marijuana dispensary/medical marijuana treatment center and the selling of marijuana products as defined by the Florida Constitution or Florida Law shall occur only upon and after the official date in which the sale and distribution of marijuana has been deemed legal by the State of Florida.

SECTION 12. REPEALER. Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Land Development Code, Chapter III, Article 3, Section 3-11, Subsection E, Paragraph 15 titles "Pain Management Clinics.

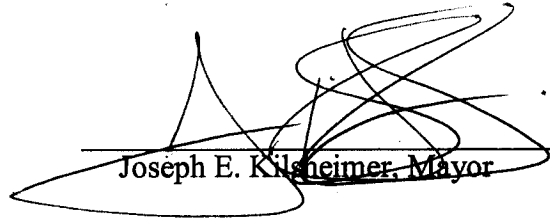
SECTION 13. INCLUSION INTO THE LAND DEVELOPMENT CODE. It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Apopka Land Development Code, re-arranged to meet existing codification, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Passed on the first reading on the 6th day of May, 2015.

FIRST READING: April 1, 2015

SECOND READING: April 15, 2015

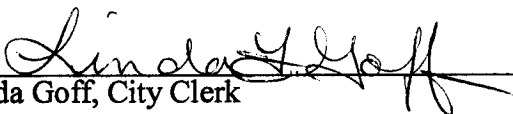
THIRD READING
AND ADOPTION: May 6, 2015



Joseph E. Kilsheimer, Mayor

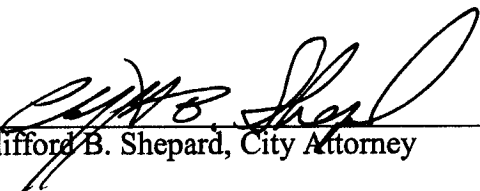
Attorney signature recommended for this ordinance.

ATTEST:



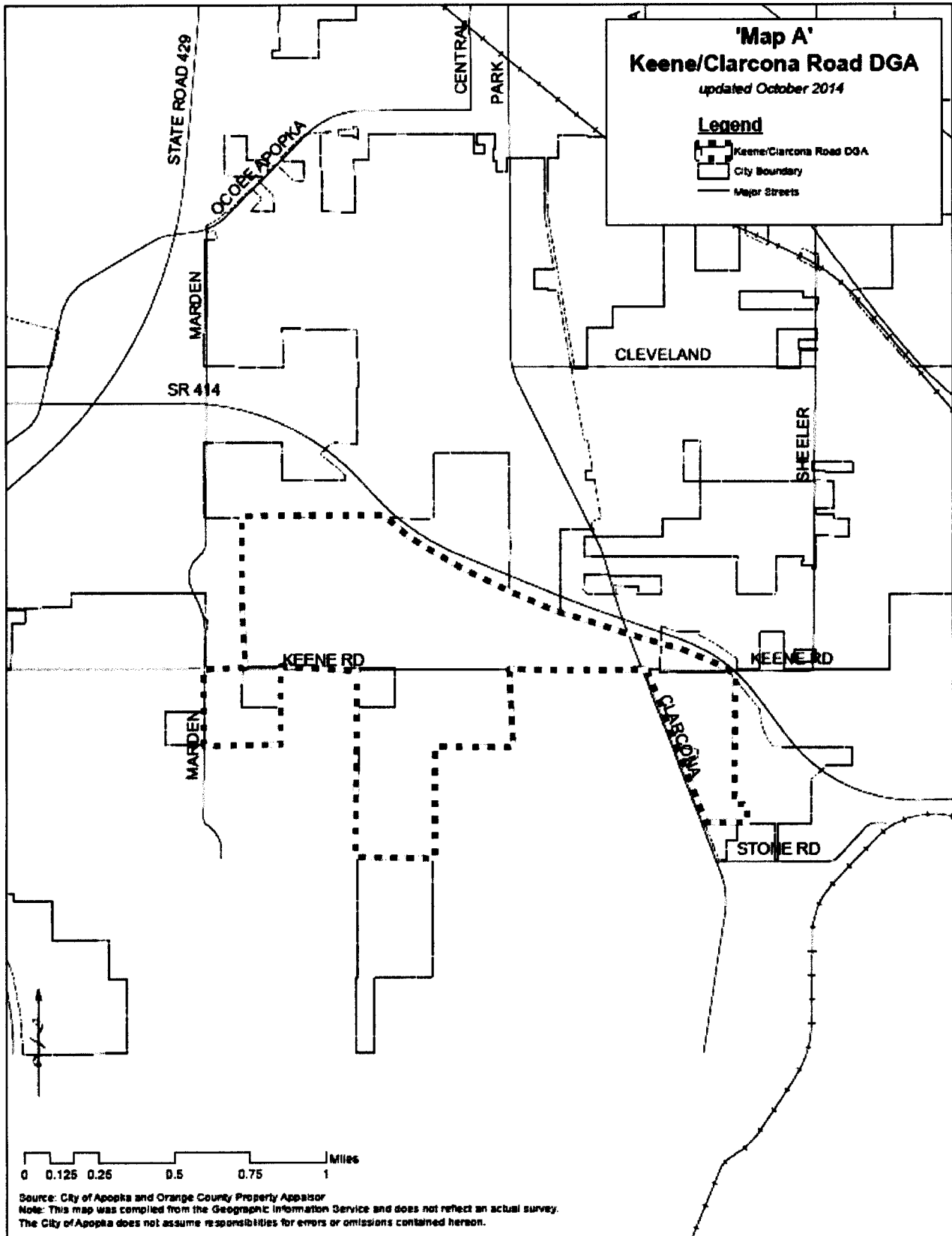
Linda Goff, City Clerk

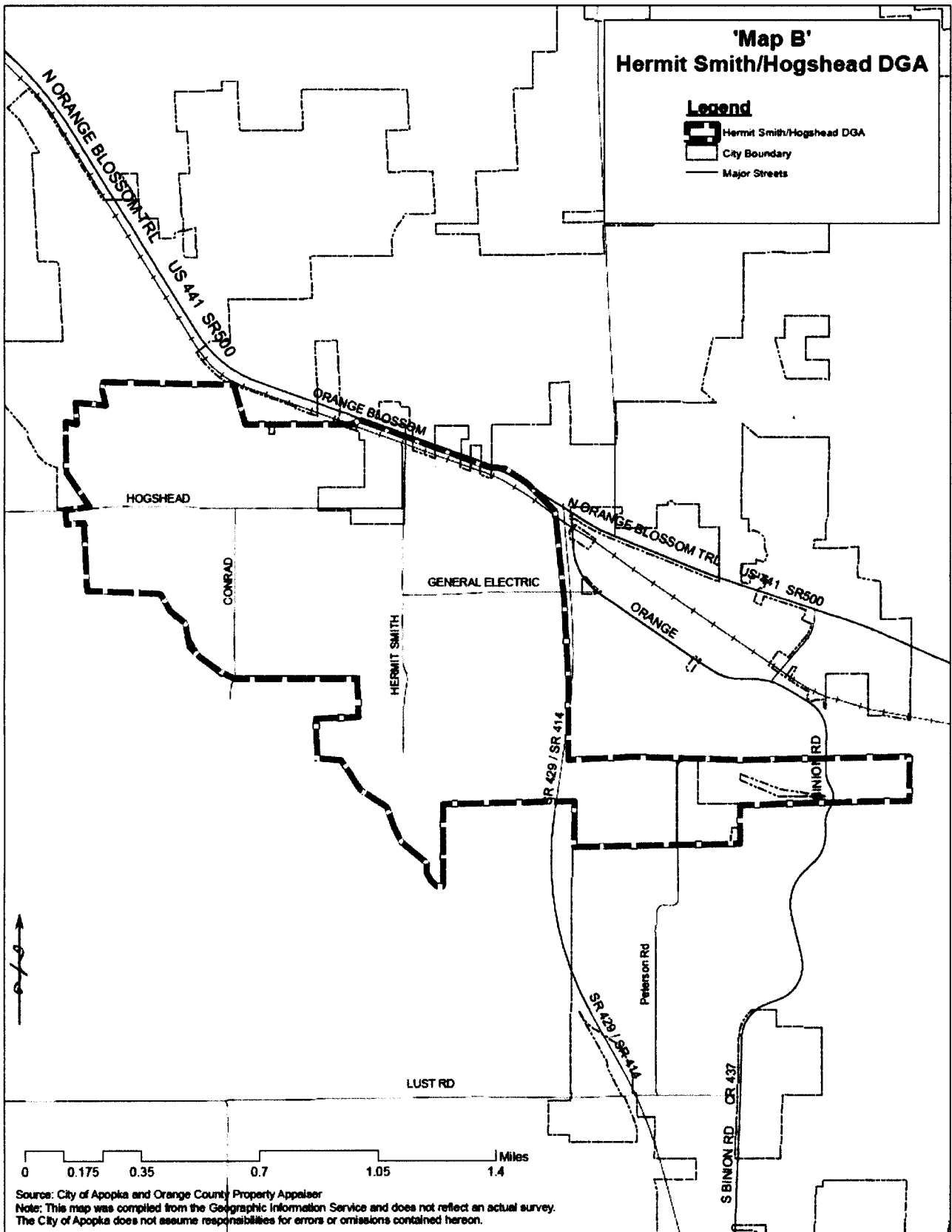
APPROVED AS TO FORM:



Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: March 13, 2015
April 3, 2015
April 24, 2015





Backup material for agenda item:

2. Resolution No. 2017-15 - Wireless Facilities in the Public Rights-of-Way.

Mayor Kilsheimer



CITY OF APOPKA CITY COUNCIL

- ___ CONSENT AGENDA
- ___ PUBLIC HEARING
- ___ SPECIAL REPORTS
- x OTHER: RESOLUTION 2017-15

MEETING OF: August 16, 2017
 FROM: Mayor
 EXHIBITS: Resolution

SUBJECT: THE ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT

REQUEST: SUPPORTING HOME RULE AUTHORITY TO LOCAL GOVERNMENTS FOR WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

SUMMARY:

The Advanced Wireless Infrastructure Deployment Act (the “Act”) was signed into law by Governor Rick Scott and became effective July 1, 2017. The Act was a lobbyist and wireless industry-led initiative intentionally crafted to circumvent the authority of local governments to set rules, regulations and rates with respect to wireless facilities in the public rights-of-way. No evidence was presented to establish that local government regulations or actions had in any way prevented or significantly delayed the deployment of advanced wireless communications infrastructure. Additionally no evidence was presented to establish that local government involvement would impair the ability of wireless telecommunications providers to improve their wireless telecommunications networks.

Along with other local governments of Orange County the resolution supports measures that advance wireless technology without eroding the ability of local governments to protect the best interest of their communities and constituents. This is done by urging Florida Legislature to reconsider its position on local government involvement in the field of wireless telecommunications infrastructure installation and amend the Florida Statutes in order to restore “Home Rule” powers to local governments with respect to wireless facilities in the public rights-of-way. Specifically “Home Rule” would allow collaborative development of design standards and specifications that empower local governments to devise customized wireless solutions that fit local conditions and, at the same time, provide for the rapid deployment of next-generation technology. The intention is to promote effective technology infrastructure consistent with the community values of the wireless telecommunications industry customers.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Adopt Resolution 2017-15.

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RESOLUTION NO. 2017-15

A RESOLUTION OF THE CITY OF APOPKA, FLORIDA, OPPOSING THE EROSION OF HOME RULE AUTHORITY EFFECTED BY THE ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT; SUPPORTING THE HOME RULE AUTHORITY GRANTED AND GUARANTEED LOCAL GOVERNMENTS BY THE FLORIDA CONSTITUTION; ENCOURAGING THE FLORIDA LEGISLATURE TO RETURN FULL HOME RULE AUTHORITY TO LOCAL GOVERNMENTS WITH RESPECT TO WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; EXPRESSING SOLIDARITY WITH OTHER LOCAL GOVERNMENTS OF ORANGE COUNTY, FLORIDA, IN SUPPORTING TECHNOLOGICAL ADVANCEMENT WHILE PRESERVING THE AUTHORITY OF LOCAL GOVERNMENTS TO ENACT REGULATIONS THAT PRESERVE AND PROTECT LOCAL COMMUNITY VALUES AND INTERESTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Advanced Wireless Infrastructure Deployment Act (the “Act”) was signed into law by Governor Rick Scott and became effective July 1, 2017; and

WHEREAS, The Act was a lobbyist and wireless industry-led initiative intentionally crafted to circumvent the authority of local governments to set rules, regulations and rates with respect to wireless facilities in the public rights-of-way that are in their constituents’ best interests; and

WHEREAS, no evidence was presented to establish that local government regulations or actions had in any way prevented or significantly delayed the deployment of advanced wireless communications infrastructure; and

WHEREAS, no evidence was presented to establish that local government involvement would impair the ability of wireless telecommunications providers to improve their wireless telecommunications networks; and

WHEREAS, the City Council of the City of Apopka recognizes the importance of and encourages the technological advancement and effective infrastructure in the field of wireless telecommunications; and

WHEREAS, the City Council of the City of Apopka acknowledges that small cell wireless facilities is the next generation of wireless telecommunications technology; and

WHEREAS, the City Council of the City of Apopka recognizes that the advancement and facilitation of wireless telecommunications infrastructure consistent with the approvals, projects and local government investments related to their rights of way, is in the best interest of the City’s constituents; and

WHEREAS, the City Council of the City of Apopka, recognizes that the wireless industry finds it critical that the speed with which next-generation wireless technology is deployed is material and vital to business success of that technology; and

WHEREAS, the City Council of the City of Apopka, also appreciates the critical role local governments play in ensuring technological progress is consistent with the vision and values of the communities they represent and to protect the community’s investments in their community; and

WHEREAS, the City Council opposes a one-size-fits-all approach to the installation of wireless telecommunications facilities within public rights-of-way, especially considering the great flexibility that exists in the potential size, type, location and installation methods for the types of facilities covered by the Act and the unique characteristics of each local government; and

WHEREAS, certain local governments have expended enormous resources on making their rights of way safe, attractive and functional in reliance on their ability to exercise their home rule authority over their rights of way; and

WHEREAS, cities, towns and villages are voluntarily created and chartered by their citizens as the embodiment of local self-determination; and

WHEREAS, no other level of government is more available or responsive to the voices of their constituents than local government; and

WHEREAS, it is widely accepted that government closest to the people is most representative and effective; and

WHEREAS, in recognition of the critical role local governments serve Florida voters in 1968 amended the state constitution to confer broad "Home Rule" powers to municipal government, under Article VIII, Section 2(b); and

WHEREAS, the Florida Legislature adopted the Home Rule Powers Act in 1973, which recognizes the broad Home Rule authority of cities and counties to adopt ordinances in the interests of the public health, safety, and welfare; and

WHEREAS, local government is the most effective level of government to address the needs of individual communities during the roll-out of rapidly evolving technology; and

WHEREAS, it is good practice and policy to allow local governments to enforce their existing, and adopt new rules, regulations and rates that meet the demands of their constituents so as to protect the community investments and maintain the uniqueness of their own communities; and

WHEREAS, it is good practice and policy to encourage wireless telecommunications providers to engage with local governments to ensure that the installation of wireless facilities within public rights-of-way is conducted in a manner consistent with the uniqueness of each local community and the values of local communities, rather than to circumvent local involvement in such a critical field; and

WHEREAS, the Act significantly adversely impacts the authority of local governments to enforce existing and adopt effective rules, regulations and rates that encourage continued advancement in the field of wireless communications while protecting the values of their communities; and

WHEREAS, the Act significantly impairs the ability of local governments to work with telecommunications providers to ensure installation of wireless technology within rights-of-way is conducted in a manner consistent with the values of the community; and

WHEREAS, the Orange County Council of Mayors has called upon the local governments of Orange County, Florida to express a unified voice in supporting technological advancement that benefits their constituents while opposing continued state action that erodes their "Home Rule" powers.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, THAT:

- Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.
- Section 2.** The City Council of the City of Apopka urges the Florida Legislature to reconsider its position on local government involvement in the field of wireless telecommunications infrastructure installation as enacted in the Advanced Wireless Infrastructure Deployment Act and amend the Florida Statutes in order to restore "Home Rule" powers to local governments with respect to wireless facilities in the public rights-of-way.
- Section 3.** The City Council of the City of Apopka expresses its solidarity with the other local governments of Orange County, Florida, in supporting measures that advance wireless technology without eroding the ability of local governments to protect the best interests of their communities and constituents.
- Section 4.** The Council of the City of Apopka calls for the wireless telecommunications industry to work collaboratively with local governments to promote effective technology infrastructure consistent with the community values of their customers. Specifically, the Council supports the collaborative development of design standards and specifications that empower local governments to devise customized wireless solutions that fit local conditions and, at the same time, provide for the rapid deployment of next-generation technology.
- Section 5.** This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED THIS 16th DAY OF AUGUST, 2017.

CITY OF APOPKA, FLORIDA

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk