



APOPKA CITY COUNCIL AGENDA

January 17, 2018 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 - Lieutenant, Jason Fletcher - US Army Chaplain

PLEDGE

APPROVAL OF MINUTES:

- [1.](#) City Council regular meeting December 06, 2017.
- [2.](#) City Council regular meeting December 20, 2017.

AGENDA REVIEW

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 the sale of alcohol at the 2018 BBQ Blast.
- [2.](#) Approve the purchase of a new Portable Generator.
- [3.](#) Approve the Northern Communications Site Agreement with Lake County regarding the co-location of radio services.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

- | | |
|--|------------|
| 1. Ordinance No. 2621 – Second Reading – Annexation – Legislative
Project: VBRO Enterprises, Inc. - Location: 41 E Lester Road | David Moon |
| 2. Ordinance No. 2622 – Second Reading – Annexation – Legislative
Project: Roseville Farms, LLC – Location: Northeast corner of West Ponkan Road and Ponkan Pines Road. | David Moon |
| 3. Ordinance No. 2627 - Second Reading - Annexation - Legislative
Project: Kenney Harry Charles McAllister – Location: 3591 West Orange Blossom Trail | David Moon |
| 4. Ordinance No. 2623 – Second Reading – Vacate – Utility Easement - Quasi-Judicial
Project: Shirish Suchak – Location: 1586 Golfside Village Boulevard. | David Moon |
| 5. Ordinance No. 2617 – First Reading - Comprehensive Plan Amendment – Large Scale – Legislative
Project: Laura Murphy – Location: 359 West Lester Road | David Moon |
| 6. Ordinance No. 2619 – First Reading - Comprehensive Plan Amendment – Small Scale – Legislative
Project: Zellwood Properties, LLC - Located north of S.R. 441 and west of Hermit Smith Road. | David Moon |
| 7. Ordinance No. 2620 – First Reading – Change of Zoning – Quasi-Judicial
Project: Zellwood Properties, LLC – Located north of S.R. 441 and west of Hermit Smith Road. | David Moon |

CITY COUNCIL REPORTS

MAYOR'S REPORT

NOT REQUIRING ACTION

1. Appreciation letter from an Apopka resident for the Public Services, Water Maintenance Division.

ADJOURNMENT**MEETINGS AND UPCOMING EVENTS**

DATE	TIME	EVENT
January 22, 2018	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden
February 1, 2018	5:30pm – 9:00pm	Food Truck Round-Up
February 7, 2018	1:30 pm –	Council Meeting
February 9, 2018	5:00pm – 9:30pm	BBQ Blast Apopka – Northwest Recreation Complex
February 10, 2018	11:00am – 6:00pm	BBQ Blast Apopka – Northwest Recreation Complex
February 12, 2018	6:30pm –	CONA Meeting – UCF Apopka Business Incubator
February 13, 2018	5:30pm –	Planning Commission Meeting
February 21, 2018	7:00pm –	Council Meeting
February 26, 2018	10:00am –	Lake Apopka Natural Gas District Board Meeting: Winter Garden

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.

CITY OF APOPKA

Minutes of the City Council regular meeting held on December 6, 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: Theresa Sargeant - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION – Mayor Kilsheimer introduced Pastor Kevin Goza from Trinity Baptist Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said 75 years ago in the early morning hours of December 7, 1941, a fleet of 360 Japanese war planes launched a surprise attack on the American Naval Base at Pearl Harbor, Hawaii. A total of 2,400 were killed and 1,200 were wounded in the attack, and much of the Pacific fleet was rendered useless. In a radio address the following day, President Franklin D. Roosevelt remarked that it was a date which will live in infamy. America was drawn into World War II and at home and across the Nation emergency planning went into effect. The Apopka City Council held a special meeting on December 16, 1941, to formalize its emergency planning, including discussions about air raids and blackouts. Within months, the City and its residents readied the City's airfield, initiated a pilot training school, established a search light battalion, and provided land and infrastructure for housing troops. He asked everyone to reflect on the sacrifice of those who have given their lives in service to our great Nation and upon the contributions of Apopkans during the war effort as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council regular meeting November 1, 2017.
2. City Council regular meeting November 15, 2017.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve the minutes of November 1, 2017, and November 15, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: There were no changes.

Proclamations:

1. Mayor Kilsheimer read a proclamation declaring March 13, 2018, as the City of Apopka General Election, designating two precincts, Precinct 9104 at the Apopka Community Center, 519 South Central Avenue, and Precinct 9204 at the Northwest Recreation Conference Room,

3710 Jason Dwelley Parkway. Early voting will be held at the Orange County Supervisor of Elections office from March 5, 2018 through March 9, 2018 from 8:00 a.m. to 5:00 p.m.

Employee Recognition:

- Five Year Service Award – Nicholas “Nick” Dorazio – Police/Support Services. Nick was not present and will receive his award at another time.
- Five Year Service Award – Sean Potter – Fire/Suppression. The Commissioners joined Mayor Kilsheimer in congratulating Sean on his years of service.
- Five Year Service Award – Lynn Collette – Finance/Utility Billing. The Commissioners joined Mayor Kilsheimer in congratulating Lynn on her years of service.
- Ten Year Service Award – Timothy “Tim” Rippon – Public Services/Streets. The Commissioners joined Mayor Kilsheimer in congratulating Tim on his years of service.
- Fifteen Year Service Award – Sean Wylam – Fire/Chief’s Office (rescheduled from November). The Commissioners joined Mayor Kilsheimer in congratulating Sean on his years of service.
- Fifteen Year Service Award – Kenneth “Kenny” Brown – Public Services/Waste Water Plant. Kenny was not present and will receive his award at another time.
- Twenty-five Year Service Award – Jeffrey “Jeff” Plaugher – Public Services/Director’s Office. Jeff was not present and will receive his award at another time.

PUBLIC COMMENT

Butch Stanley said he was here to speak about Emerson Park and the private roads. He stated there has been such a development increase around their subdivision within the past few years and a lot of traffic goes through their subdivision from Marden Road to Ocoee Apopka Road. He stated originally the development was for a certain number of roads and Centex had the townhomes approved that gave more density. He said the burden has fallen on the 500 residents of Emerson Park to maintain roads that are not really private. He stated they were hoping for some help and support to alleviate some of the problem they are having with the additional projects and development coming forward.

Commissioner Becker inquired what steps Emerson Park has taken to explore putting gates on the private roadways.

Mr. Stanley advised he was the Vice President of the HOA and they have briefly looked at gates and understand the cost. He declared the front entrance was not much of a problem for gates, but the back entrance was a significant problem due to not enough space for stacking.

Mayor Kilsheimer asked what the HOA of Emerson Park was willing to do for its residents, to which Mr. Stanley said they have told the residents they would come to the City to discuss this issue. He stated they have looked at the cost of gates and would have to do a special assessment and maintain them. He indicated they have not seen the developer agreements to see who can have access to their roads.

Jim Hitt, Community Development Director, said after the last City Council meeting he met with four of the residents. He advised in exploring potential gate entrances, the entrance off of Marden Road has 275 feet of a right turn lane that can be utilized for stacking, and to the north there is

over 300 feet for stacking. The other primary entrance has a very long approach so the residents would need to determine where to gate this entrance, suggesting the gate be placed closer to the residences. He said he mapped out the potential for the Marden Road gate area and sent this to the HOA.

Mayor Kilsheimer said it was the City's recommendation the HOA explore the idea of installing gates to control traffic inside their community.

Dan Conlon said he was new to Apopka and lives in unincorporated Orange County, but he does receive utilities from the City. He stated he tried to set up an account through his bank to set up a pay to account and the City of Apopka was not recognized by the bank. He called utility billing and was told this was not an option. He requested this be set up so that he and others can pay their utilities through a primary bank payment center.

Mayor Kilsheimer requested Mr. Conlon discuss this matter with Pam Barclay, Finance Director.

Ray Shackelford said he heard the Mayor read the Election Proclamation, but he did not hear a vote of the Council, to which Mayor Kilsheimer advised this did not require a vote. He stated concerning Consent Agenda Item 4, was it legal for the City to publish an item before approval by the City Council. He encouraged the City to hold early voting in the City of Apopka, stating there were people who did not have the means to travel to the Supervisor of Elections office to vote. He stated he has noticed and observed the City updates policies, such as alcohol sales, when it is convenient to certain people and asked that all policies be updated, including the CRA. He stated he was deeply disturbed about allegations with respect to the City Police Department, stating the City has an outstanding Police Department and he applauded them for their service to the citizens. He said we cannot allow allegations to circulate that an attorney came to Apopka to make a presentation to a group of all white police officers profiling black males. He called upon Council to address those concerns.

Mayor Kilsheimer said an anonymous letter was received by all elected officials making a claim that at a training session, a presenter, who was an outside attorney, used colorful language. He stated the topic was not about profiling and the outcome of this letter is that they did determine who the speaker was and reached out to this individual and a letter of apology was requested.

Sharon Thornton, Human Resource Director, said it was discussed with the attorney and the people who arranged for the training. It has been requested that the City receive letters of apology from both parties. She advised the whole incident is under review.

Rod Love spoke of the anonymous letter regarding law enforcement and this allegation, stating he was proud this was brought to the forefront and was being addressed. He said they continued to hear him talk about diversity within our City government. He spoke of Chief McKinley's leadership and trusting his leadership. He spoke about early voting and asked if there would be any discussion to hold early voting at the Apopka Community Center, requesting this be considered. He spoke of the alcohol ordinance being reconsidered due to being outdated, stating the CRA Plan was outdated, reinstated, and referenced the same priorities.

CONSENT (Action Item)

1. Approval of the calendar year 2018 Floating Holiday.
2. Appoint Patrice Phillips to the Planning Commission.
3. Approve the purchase of a replacement net, new slide & installation of the equipment at the Kit Land Nelson Park Playground.
4. Approve a precinct map adding a new Precinct #9204, Northwest Recreation Conference Room, 3710 Jason Dwelley.
5. Approve the purchase of protective armor and equipment for the Police Department.
6. Approve the purchase of force training gear for the Police Department.
7. Authorize the purchase of new vehicles and equipment installation for the Police Dept.
8. Authorize a \$12,500 expenditure from the Law Enforcement Trust Funds for investigative buys and undercover operations.
9. Authorize the City Engineer to renew the Class III Landfill Permit for Vista Landfill.
10. Authorize a second extension for the purchase of the Marshall Lake 103.3 acre site by Royal Oak Homes, LLC.
11. Authorize execution of a Sewer and Water Capacity Agreement for the Sandpiper Road Subdivision.
12. Approve Layne Inliner to install an inner-liner in the Lake Francis gravity sewer collection system.
13. Approve the purchase of a 2018 claw truck through the State of Florida Sheriffs contract for the Sanitation Division.
14. Approve Providence Construction to install an equalization pipe on the NW Recreation Center reclaimed water holding ponds.
15. Approve Reiss Engineering to provide professional design engineering and hydrogeology services for the Mt. Plymouth Lakes Water Treatment Plant (WTP) Well #4.

Discussion was held on Item 10. Item 4 was pulled for discussion and a separate vote.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve fourteen items on the Consent Agenda, pulling Item 4. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

Commissioner Bankson expressed concerns about the second precinct, stating when this was discussed he thought it was for opening two locations to make it more convenient and not segregated as far as precincts.

Mayor Kilsheimer said when they said there would be two polling places, the underlying implication of that was that there would be two precincts so to have a distinct voter roll to check off registered voters.

Commissioner Bankson questioned the division on the map, to which Ms. Goff advised when dividing, every effort is made to keep census blocks together, then subdivisions, as well as taking into consideration future growth. Commissioner Bankson spoke of early voting and said he would like to see it reconsidered.

Mayor Kilsheimer said during the budget workshops it was determined that the justification for the expense of early voting was not warranted.

Commissioner Becker agreed to inquire about early voting to determine the cost and what the deadline would be to hold it here. He said trying to move Errol Estates into the northern precinct would be counterproductive and he did not have a problem with the map.

MOTION by Commissioner Becker, and seconded by Mayor Kilsheimer, to approve Item 4, as presented. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Becker voting aye, and Commissioner Bankson voting nay.

BUSINESS (Action Item)

1. Approve the purchase of two (2) Mack New Way Automated Side Loader Sanitation Trucks.

Jay Davoll, Public Services Director, said in FY 2014, the City began a replacement program of the automated side loader sanitation trucks. He advised there are two 2007 trucks remaining to be replaced. Nextran Truck Center has a surplus inventory of the automated side loader sanitation trucks available for immediate delivery at a discounted price of \$250,000 per truck. This is a discount of \$90,036 per truck. Staff is requesting Council to approve the purchase of two new Mack New Way Automated Side Loader sanitation trucks for a total amount of \$500,000.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve the purchase of two Mack New Way Automated Side Loader Sanitation Trucks for a total amount of \$500,000. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Reject the only proposal received for the Amphitheater Canopy Replacement bid.
Glenn Irby, City Administrator, said the roof of the amphitheater was destroyed during Hurricane Irma. The City recently went through a bid process and only received one response, having sent the bid out to seven companies. He explained that due to damage occurring to this structure multiple times, it has been decided to replace the roof with a hard surface. The bid that was out had a finish date of January 31, 2018, due to the Old Florida Outdoor Festival. He explained that it was determined this date did not allow enough time for companies to complete the job. He declared the request is to reject this bid and rebid the project.

In response to Commissioner Becker asking if what was there could be taken down to make it look better, Mr. Irby advised three quotes were received and the first quotes came in at \$50,000. A company will be removing the roof panels at a cost of \$4,500 and they are to start on December 20, 2017.

In response to Commissioner Bankson inquiring what the insurance will cover, Mr. Irby advised that is yet to be determined.

MOTION by Commissioner Velazquez, and seconded by Commissioner Dean, to reject the single received bid on the Amphitheater Canopy replacement and rebid. Motion

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

3. Discussion - Utility Service Agreement for Water, Wastewater & Reclaimed Water.
Jim Hitt, Community Development Director, said the City provides utilities to properties in unincorporated Orange County and these properties may be able to annex into the City limits in the future when legally appropriate. He explained at this time there is no formal way to accomplish annexation of these properties using City utilities without the owner completing the annexation application. This Utility Service Agreement will enable the City to annex those properties when legally appropriate. The Utility Service Agreements will be recorded and they are in accordance with the adopted JPS and Water, Wastewater, and Reclaimed Water Territorial Agreement.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve the Utility Service Agreement for Water, Wastewater and Reclaimed Water as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2590 – Second Reading – Large Scale – Future Land Use Amendment. Project: J.D. & Kathleen L. Horne Trust – Located on the southeast corner of Plymouth-Sorrento Road and West Kelly Park Road. The City Clerk read the title as follows:

ORDINANCE 2590

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION TO MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROAD 429 AND SOUTH OF WEST KELLY PARK ROAD COMPRISING 18.13 ACRES, MORE OR LESS AND OWNED BY J.D. AND KATHLEEN L HORNE TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon advised there have been no changes since the last meeting. The Planning Commission recommended approval at their October 10, 2017 meeting.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2590. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Ordinance No. 2599 – Second Reading – Large Scale – Future Land Use Amendment – Project: Sabbath Grace Fellowship, Inc. - Located South of Johns Road, west of S.R.**

451. The City Clerk read the title as follows:

ORDINANCE 2599

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM INDUSTRIAL TO MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF STATE ROAD 451 AND SOUTH OF JOHNS ROAD, COMPRISING 39.85 ACRES, MORE OR LESS AND OWNED BY SABBATH GRACE FELLOWSHIP INCORPORATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon said the Planning Commission met on October 10, 2017 and recommended approval..

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

MOTION by Commissioner Dean, and seconded by Commissioner Becker, to adopt Ordinance No. 2599. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Ordinance No. 2584 – First Reading - Change of Zoning/PUD Master Plan - Project: East of Ocoee Apopka Road, north of McCormick Road - Oak Pointe South (aka Thompson Hills Est.). The City Clerk read the title as follows:

ORDINANCE NO. 2584

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT (OAK POINTE); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF MCCORMICK ROAD AND EAST OF STATE ROAD 429, COMPRISING 69.7 ACRES MORE OR LESS, AND OWNED BY THOMPSON HILLS ESTATES LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Mr. Moon provided a brief lead-in on the project, reviewing the location on the map, stating it was proposing 118 single family homes and 120 townhomes. The request is to rezone as Planned Unit Development (PUD). He advised the property owner has entered into an agreement to purchase the internal parcel owned by Mr. Revelle. Mr. Moon explained the access will occur through a road connection to McCormick Road and a future road connection

to Ocoee-Apopka Road. A gate will be located at both the north and south entrances. He reviewed recommended PUD conditions of approval. The recommendation is to approve at first reading and hold over for a second reading.

David Evans, Evans Engineering, was present on behalf of the applicant and available to answer any questions or respond to any public comments.

Rick Geller, Fishback Dominick, said he represents Jason Revelle, and the contract Mr. Revelle is under will take care of all of his objections. He asked that in the event this does not close, that Council protect him by including a condition that Irmalee Road vacate be approved by City Council conditional on the property owner of Oak Pointe closing on the purchase of the internal parcel located at 1751 Irmalee Lane. They also request an additional condition that a six foot high brick wall shall be constructed around the internal parcel at 1751 Irmalee Lane in compliance with Apopka City Code 2.02.06 and 2.02.07 unless the Oak Pointe property owner closes on the purchase of the internal parcel. Mr. Geller added that Mr. Revelle is zoned agriculture and as an abundance of caution they respectfully request these conditions in the event the closing does not occur.

Mayor Kilsheimer asked if the applicant was agreeable to these conditions, to which he 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 Bankson and seconded by Commissioner Dean, to approve Ordinance No. 2584 at First Reading with conditions as recommended, and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

City Council recessed at 3:14 p.m. and reconvened at 3:24 p.m.

4. Ordinance No. 2591 – First Reading – Large Scale – Future Land Use Amendment – Project: Chul Lee Et. Al. – Located at 2309 & 2405 West Kelly Park Road. The City Clerk read the title as follows:

ORDINANCE 2591

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION TO MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD AND WEST OF JASON DWELLEY PARKWAY, OWNED BY WON CHUL LEE; BONG JIN CHOE; SOON CHONG; WON CHUL LEE; AND SEA MYOG; COMPRISING 39.48 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon provided a lead-in reviewing the location on a map stating this was a request to assign a future land-use designation to mixed-use interchange to approximately 40 acres on the north side of Kelly Park Road, right at the one mile radius line east of the Kelly Park Road interchange at the Wekiva Parkway. He advised the property will be subject to the Form-Based Code. He advised the policy and comprehensive plan requires any property within the one mile radius to apply for the mixed-use interchange land-use designation, stating there is no alternative. Planning Commission met on October 10, 2017, and recommended approval with transmittal to the Department of Economic Opportunity.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to approve Ordinance No. 2591 at First Reading and transmittal to the Florida Department of Economic Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. Ordinance No. 2606 – First Reading – Small Scale – Future Land Use Amendment – Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road. The City Clerk read the title as follows:

ORDINANCE NO. 2606

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW TO OFFICE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WEKIWA SPRINGS ROAD, NORTH OF SEMORAN BOULEVARD, COMPRISING 1.06 ACRES MORE OR LESS, AND OWNED BY MOORWOLF LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner, said the applicant is proposing a small scale future land-use change from Residential Low to Office, allowing a maximum of .3 FAR at 145 S. Wekiwa Springs Road. He reviewed the location of the property on a map and the adjacent property uses. The Planning Commission recommended approval. Staff recommends approval at first reading and carry it over for second reading and adoption.

Mayor Kilsheimer opened the meeting to a public hearing.

Peter Dailey, applicant, said they concur with the staff for the request of a small scale future land-use amendment to allow institutional professional office use. He said the proposed use represents a good transitional use and they respectfully request approval as recommended by staff and the Planning Commission.

Raymond Hadley, Pastor of Hope Baptist Church, said their property was the east, not the north. He stated there was a property to the north between the church and this property.

Carol Adams said she wanted to speak to this item and the next item, which is the change of zoning for the same property. She thanked the City staff for their help and respect shown to the neighbors. She stated their concern was regarding Lake Cortez which dried up due to surrounding development and then flooded during Hurricane Irma. She said they would like to revitalize the lake and during the Planning Commission meeting they requested the development retain their stormwater runoff on site. She stated they also request the structure is in keeping with the surrounding area. She declared this area was in an interesting position in that the City of Apopka, Orange County, and Seminole County were all three impacted in this surrounding area and the residents would ask for consideration on this development and any future developments in the area regarding the stormwater runoff. She also spoke of an odor coming from behind Hobby Lobby and inquired if this would be addressed.

Richard Earp, City Engineer, said the City has not seen a site plan, but it would be required to meet and adhere to the Land Development Code (LDC).

Kevin Burgess, Assistant Public Services Director, advised the lift station behind Hobby Lobby is operated by Orange County.

Pastor Hadley declared Lake Cortez was still approximately three feet above normal. He said according to Orange County, the Lake rose eight feet caused by a border lake overflowing to the retention pond, in turn overflowing to Lake Cortez.

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

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve Ordinance No. 2606 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. Ordinance No. 2607 – First Reading – Change of Zoning – Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road. The City Clerk read the title as follows:

ORDINANCE NO. 2607

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-1 (ZIP) (RESIDENTIAL) TO “CITY” PO/I (PROFFESIONAL OFFICE/INSTITUTIONAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WEKIWA SPRINGS ROAD, NORTH OF SEMORAN BOULEVARD, COMPRISING 1.06 ACRES MORE OR LESS, AND OWNED BY MOORWOLF LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Phil Martinez said the applicant is requesting a zoning change of the property at 145 S Wekiwa Springs Road from County R-1 to City Professional Office Institutional. He advised to clear concerns from Hope Baptist Church representative, north adjacent to the subject property is a single family house and going further north is the Hope Baptist Church. He went on to review the surrounding properties and stated properties to the south were planned development and professional office. Planning Commission recommended approval for the rezoning and staff recommends approval at first reading and carry it over for second reading and adoption.

Peter Dailey, representing Moorwolf, LLC, said this property was annexed into the City in 2007 and they are requesting rezoning to City PUD/PO/I to allow a single story, 7,000 square foot building. He reiterated that they feel this is a good transitional use for the property. He said this was consistent with the comprehensive plan and zoning. He stated the drainage will likely be better after construction than it is in the current condition, as they will have to control both the quantity and quality of the runoff, as well as being required to meet the code of the SJRWMD and City of Apopka. He respectfully requested approval for the rezoning.

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

MOTION by Commissioner Dean, and seconded by Commissioner Bankson, to approve Ordinance No. 2607 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

7. Ordinance No. 2609 – First Reading – Change of Zoning – Project: Paul and Kimberly Rehn - Located at 2393 Appy Lane. The City Clerk read the title as follows:

ORDINANCE NO. 2609

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AAA (RESIDENTIAL) TO AG-E (AGRICULTURE ESTATE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF JASON DWELLEY PARKWAY, NORTH OF APPY LANE, COMPRISING 10 ACRES MORE OR LESS, AND OWNED BY PAUL AND KIMBERLY REHN; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Mr. Martinez provided a brief lead-in advising this was requesting a zoning change from R-1AAA to Agriculture Estate. He reviewed the subject parcels on a map as well as surrounding uses. He advised this was consistent with the existing and future land use of agriculture. He

advised there is currently a stable on one of the parcels which is prohibited with the R-1AAA zoning and to bring this into compliance, the applicant proposed a zoning change to agriculture estates. Planning Commission recommends approval. Staff recommends approval at first reading and carrying it over for second reading and adoption.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve Ordinance No. 2609 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

8. Ordinance No. 2611 – First Reading – Large Scale – Future Land Use Amendment – Project: AHIFO-18 LLC – Located on the north side of West Kelly Park Road, west of Plymouth Sorrento Road. The City Clerk read the title as follows:

ORDINANCE NO. 2611

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL SETTLEMENT TO “CITY” MIXED USE – INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PLYMOUTH SORRENTO ROAD AND EAST OF THE PROPOSED 429, OWNED BY AHIFO-18 LLC; COMPRISING 51.0 ACRES MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, said this was a request to change the future land-use on the west side of Plymouth Sorrento Road from County Rural Settlement to City Mixed-use-Interchange. This property is known as Bridle Path and the majority of the property was used for an equestrian facility in the past. He said the site contains approximately 51 acres and the applicant is HB. The applicant and future developer propose to develop this as a single family residential community that will be subject to the Form-Based Code. The site is located within the one mile radius of the Kelly Park interchange at the Wekiva Parkway. He said the character of the area is presently zoned and used for agriculture or grazing activities. This area will rapidly change in the near future to urban development as the interchange is opened. The Planning Commission recommended approval and transmittal to the Florida Department of Economic Opportunity. This is the same recommendation to City Council.

In response to Commissioner Becker, not using this area for the opportunity to create residential, but a true mixed use, Mr. Moon advised this property will all be residential, but in the case of the Wekiva Parkway Vision Plan Area, there are policy requirements in the comprehensive plan that limit the number of acreage that can occur for residential and also has development criteria for minimum and maximum for development of commercial and office type uses. However, within the neighborhood overlay district, which this property is

within, it is intended for single family residential.

Jim Hall, HB, said this district is within the yellow area when looking at the district and the area that will provide primarily residential. He said they will be back in a month or so with another property that is part neighborhood, part transition, and part employment and that property will start to provide the true mixes of uses you will see occur overall in the Kelly Park area. He stated as this matures overtime, there will be more mixed use in the area. He respectfully requested Council consider this.

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 Ordinance No. 2611 at First Reading and transmittal to the Florida State Department of Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

9. Ordinance No. 2612 – First Reading – Amending City of Apopka Code of Ordinances – Project: Part II, Chapter 6 – “Alcoholic Beverages”. The City Clerk read the title as follows:

ORDINANCE NO. 2612

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA; AMENDING CERTAIN SECTIONS OF CHAPTER 6, “ALCOHOLIC BEVERAGES” OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, PROVIDING FOR CITY ADMINISTRATOR APPROVAL OF CONSUMPTION OF ALCOHOLIC BEVERAGES FOR EVENTS ON CITY OWNED PROPERTY WHERE A LEASE OR RENTAL AGREEMENT HAS BEEN AUTHORIZED BY CITY COUNCIL FOR SUCH PROPERTY; AMENDING DISTANCE RESTRICTIONS ON THE SALE OF ALCOHOLIC BEVERAGES IN PROXIMITY TO SCHOOLS; ELIMINATING DISTANCE REQUIREMENTS ON THE SALE OF ALCOHOLIC BEVERAGES IN PROXIMITY TO GOVERNMENT BUILDINGS AND CHURCHES; ELIMINATING DISTANCE RESTRICTIONS BETWEEN ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR LOCATION OF SALES ON CITY-OWNED PROPERTY; AMENDING RESTRICTIONS REGARDING THE HOURS THAT ALCOHOLIC BEVERAGES CAN BE SOLD; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Jim Hitt, Community Development Director, said alcoholic beverages are always a touchy subject. He stated one of the things that has been occurring in many downtowns is the establishing of brew pubs or wine bars. A lot of the brew bubs have ended up becoming the economic viability anchor for a lot of the downtowns. He gave several examples of local municipalities. He said in reviewing our current code, the distance stipulations of 700 feet included churches, schools, government buildings, and government property. He advised the majority of our city blocks are anywhere from 300 to 600 feet. With the current code, the City

of Apopka could never have an establishment like this in our downtown, much less the City. He pointed out that roadways are also government property. In reviewing this code with legal counsel, they looked to see if it could functionally work for downtown and the rest of the City. The wanted to keep schools in and added in a good definition for schools. He said they did look at churches and spoke of the many churches in the downtown area. He advised the distance requirement being proposed is 500 feet. The downtown CRA, and the downtown overlay district are combined so that they would be exempt. Government buildings and property was taken out of the ordinance. He advised this ordinance change is being proposed to allow for more flexibility with the downtown and areas where these establishments can open. In addition, they are recommending matching Orange County's ordinance with regards to sales of package beverages. On sale premises for catered events is 11:00 a.m. to 2:00 a.m.

Commissioner Becker said he would expand the package beverage sales, stating grocery stores open their doors at 7:00 a.m. He stated he tended to treat people as responsible adults and there were many reasons people shop for alcohol, such as recipes. He said he would support expanding the time to 7:00 a.m.

Commissioner Velazquez said many fishermen have complained to her that they cannot purchase in the City, but can purchase in the County.

Commissioner Bankson said when it comes to the purchase, it will happen whether it is here or elsewhere and he understands the logic of responsible adults. He stated his concern was more on the side of protection versus trying to control someone's actions. He said there was a lot in the church community that deals with family and said it seems the churches were being removed citywide.

Mr. Hitt explained the downtown area, CRA district and the overlay district would be exempt from the distance requirement due to the number of churches in the area. He stated he did not approach any of the churches on the north side and said there were some areas, with the 500 feet distance that establishments could go.

Chief McKinley said they did review this prior to it coming forward and did not see any significant impact with the way they would address matters.

Commissioner Bankson said he knew of developments like this that were very clean, orderly, and beneficial to the area.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid said she was proud to stand and go against this alcohol ordinance, as she feels it is very bad for the town. She stated this was a step in the wrong direction by allowing alcoholic beverages to be sold and consumed closer to churches, parks, and government buildings. She declared if any amendments were needed, it should be to further the distance. She spoke of alcohol having a dark side and this was the entire community's problem.

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

Commissioner Becker said this was where it gets touchy and Ms. Reid had some valid points. He said for every situation that will turn out bad, there are situations where it has been an excellent situation for the community. He spoke of the Crooked Can in Winter Garden and how this was very family oriented with the Plant Street Market in the same area, a location where people come together and do good things and families come together. He reiterated you have to trust people are responsible adults and set policy for what works best for the majority.

Mayor Kilsheimer said he has met people interested in this brew pub idea and as we look at the future of the downtown development, there is an opportunity to have establishments we are seeing in Winter Garden and other municipalities and bring in the quality of life opportunities residents are looking for. He stated with regards to the hours of sale, he proposed making the change to 7:00 a.m. for off-premise packaged products.

Mr. Hitt said this is written for beer and wine sales. He said if there is an apparent problem that would arise then the code could be amended.

Commissioner Velazquez inquired if there was a way to limit the number of breweries.

City Attorney Shepard said this was a demand issue and matters that could happen would be handled by the Police Department and Code Enforcement.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve Ordinance No. 2612 at First Reading with the change to start off premise package sales at 7:00 a.m., and carry it over for a Second Reading.

Commissioner Bankson said he was not uncomfortable with these establishments being around, as they are a different nature than we have had in the past. His concern is the way it is presently written as a blanket for all churches.

Motion carried 3-2 with Mayor Kilsheimer, and Commissioners Velazquez, and Becker, voting aye and Commissioners Dean and Bankson voting nay.

10. Ordinance No. 2613 – First Reading – Annexation – Project: Iglesia El Getsemani, Inc. – 2575 West Orange Blossom Trail. The City Clerk read the title as follows:

ORDINANCE NO. 2613

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY IGLESIA EL GETSEMANI INC. LOCATED AT 2575 WEST ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt reported this was an open area the church wanted to use for parking. This property is in the County, therefore, the City cannot approve it for parking. The solution is applying for annexation and at that point the City can look at the expanded parking.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to approve Ordinance No. 2613 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

11. Ordinance No. 2614 – First Reading – Annexation – Project: Orange County – East Sandpiper Street (from Thompson Road to approximately 546 feet east of North Park Avenue). The City Clerk read the title as follows:

ORDINANCE NO. 2614

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS EAST SANDPIPER STREET SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALL WEST OF NORTH PARK AVENUE AND EAST OF THOMPSON ROAD, AND COMPRISED OF APPROXIMATELY 8.4 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt reviewed this area on the map and said this brings this portion of the road into and under the control of the City.

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 Ordinance No. 2614 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

12. Ordinance No. 2615 – First Reading – Annexation – Project: Orange County – Johns Road (East of Binion Road). The City Clerk read the title as follows:

ORDINANCE NO. 2615

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS JOHNS ROAD SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF

SOUTH BINION ROAD AND EAST OF JOHNS ROAD, AND COMPRISED OF APPROXIMATELY 1.05 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mr. Hitt reported the plat and vacate were over a year ago, however, we never annexed the roadway. This action causes the vacate to become effective, correcting an issue that became apparent.

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 Velazquez, to approve Ordinance No. 2615 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

13. Ordinance No. 2616 – First Reading – Annexation – Project: Orange County – General Electric Road (from West Orange Avenue west approximately 1,417 feet). The City Clerk read the title as follows:

ORDINANCE NO. 2616

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA. TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS GENERAL ELECTRIC ROAD AND PARCEL I.D. NUMBER 06-21-28-7172-02-401 SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF HERMIT SMITH ROAD AND EAST OF WEST ORANGE AVENUE, AND COMPRISED OF APPROXIMATELY 2.3 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF APOPKA; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt said this is a small portion that was never annexed and with this action, it brings all areas into the City and this will help the developers to the south.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to approve Ordinance No. 2616 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS – No reports.

MAYOR’S REPORT

Mayor Kilsheimer reported he would be giving a State of the City speech next Tuesday, 8:00 a.m. at Highland Manor. He further reported he would be in Tampa at the Mayor’s Institute of City Design to present a case study on the Lake Apopka Research Center Innovation District.

ADJOURNMENT: There being no further business, the meeting adjourned at 4:54 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST;

Linda F. Goff, City Clerk

CITY OF APOPKA

Minutes of the City Council regular meeting held on December 20, 2017, at 7:00 p.m., in the City of Apopka Council Chambers.

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

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

INVOCATION – Mayor Kilsheimer introduced Pastor John Fisher of First United Methodist Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on Christmas night 1776 General George Washington crossed the Delaware with 2,400 troops in hopes of surprising the Hessian forces camped out at Trenton, New Jersey. The Patriots descended on the Hessians early the next morning winning a crucial victory that restored the confidence of Washington's beleaguered troops, who went on to defeat the famed General Cornwallis and his army the following week at the Battle of Princeton. He asked everyone to remember the bravery and courage of those who fought to win the freedom of our nation as he led in the Pledge of Allegiance.

AGENDA REVIEW: There were no changes.

PUBLIC COMMENT

In response to Commissioner Becker to defer comments on medical marijuana to the Council item, Mayor Kilsheimer said he would prefer to take public comment up front. He said while he did not want to discourage anyone from speaking, but if somebody has stood and spoken about something you were planning to say, he would welcome the opportunity for a person to stand and state they waive in support what was previously stated.

Linda Laurendeau said she was going to talk about "Shop with a Cop", stating this event was last Thursday and they had one hundred children, and each child received \$100 to shop for whatever they wanted at Walmart. She advised the police officers, on their own time, put on their uniforms, came to the store, and were paired with a family to go shopping. Near the end there were seven families that had not come and Captain David Call called one of the families to learn Mom had to go to work and there was no one to bring the children. He brought the children to the store to make sure they had an opportunity to shop and then took them home. She said this was the caliber of officers and public service we have in Apopka.

Maria Hurley said she was from Gainesville stating she has been a medical marijuana patient

for approximately eight months. She stated a medical marijuana treatment center (MMTC) looks much like a doctor's office, providing a clean and relaxing place to obtain your medicine, plus they were very secure. She explained they have a system called Canna Pay that ties to your debit card so that you are not required to carry cash. She said her experience with MMTC's has been very safe with informative staff. She declared there was nothing to fear about having dispensaries in the City, stating citizens have voted to have access to safe cannabis. She described illnesses of some people this is helping, and said cannabis has allowed many patients to get off of prescription opioids which is devastating our country.

William Phillips said he also is from Gainesville and came here to address Council on the process one goes through to become a patient on medical cannabis. He stated he understands the City's hands are tied by what the State legislation passed. He asked that the patient's access be granted, stating there were changes coming that will grant better ways for municipalities to control the situation. He said the security and safety on these sites was very strict and less likely to have crime occur than a bank.

Patricia Freitag said she was from New Port Richey stating she was a patient on medical cannabis describing her condition. She stated since starting medical marijuana she has gone from 33 pills a day to one, which is an allergy pill. She said she was here to represent over 50% of medicinal cannabis patients who are over the age of 55. She stated access is a problem as many have mobility issues creating issues to get to the nearest dispensary in order to get their medication. She advised delivery fees range from \$10 to \$40. She affirmed the legislation only allows a certain number of dispensaries based on population and each dispensary owner is only allowed up to 25 dispensaries. She asked that Council reconsider the ban.

Cody Lemonakis, owner of Green Shine Farms Florida which is a new and upcoming organic grower for the State of Florida, and he also owns CSL Lawn Care. He said medical cannabis was a truly amazing gift to mankind. He spoke of being forced to take medications for ADD, ADHD, and SLD, stating the pharmaceutical drugs helped him focus, but the negative side effects were worse than the disorder. He stated from what he knows from his training and experience as a law enforcement officer and from research and testimonies from patients who suffer, it is without a doubt that medical cannabis is a safer alternative. He stated being a prior law enforcement officer, the day to day stress of the job causes PTSD. He said CDB is a non-psychoactive ingredient in cannabis and it has shown great results in the ability to reduce stress and eliminate the effects of PTSD. He stated by allowing dispensaries in the City, people will have the ability to obtain access to their medication and come off of harmful pharmaceuticals.

Eryca O'Connor said she lives in Lake Mary and she believes it is imperative for Council to revisit Ordinance No. 2388. She said after Orange County listened to their constituents, they took into consideration what their residents were talking about. She spoke of the constitutional amendment for amendment 2 having the wording of no sanction, stating legislatures put that clause there to try and have local governments do exactly what they are now doing by not abiding with what the people have voted for. She said there were a lot of benefits that come out of medicinal marijuana and Council needed to put their differences aside and not restrict access to what the people have voted for.

Diana Brundage said she has lived in Apopka her entire life, graduating from Apopka High

School. She said she was raised in a very religious home with very devout parents having it instilled in her about treating our bodies as a temple with good nutrition and abstaining from alcohol and drugs. She said at the age of 23 she was diagnosed with rheumatoid arthritis and has been medicated on various treatments for 22 years. She stated she reconnected with friend she has known since age 5 and he is now a medical cannabis doctor. He suggested she come in to see him, which she did and he suggested she give a plant a chance. She decided to give it a try and to say her life has changed would be an understatement. She declared she has been pain free since October 13, 2017. She affirmed one of the only major problems she has with the medication is her access to it. She had to drive to Tampa to fill her first order and after that, the only facility open in Orange County was consistently out of the product due to high demand and not enough dispensaries. She stated she went nearly a week without the medication that she had a constitutional right to have. She said the sad thing was that she could have obtained a prescription from her rheumatologist for hydrocodone, oxycodone, or any of the other opioid based medication and had them filled at a drugstore within twenty minutes. She declared these medications are part of the opioid crisis in this country now.

Mayor Kilsheimer said upon reflection, he probably should have accepted Commissioner Becker's suggestion to hold public comment on medical marijuana until we get to that item of discussion. He stated he would like to hold the rest of public comment on the medical marijuana issue, and take care of the other business items. He took public comment on other matters.

Madeline Spencer lives in Emerson Park and wanted to see what the Council had to say about the documents she sent to them, about the private roads Emerson Park has, and how the City is going to protect the citizens of Emerson Park from all of the construction is planned. She stated she did not see anything in the documents she received giving Greystone or the townhouses the rights to use their roads and asked if there was such a documentation. She expressed concern about their roads from Ocoee Apopka Road into the subdivision and said the construction trucks were still driving through their subdivision.

Mayor Kilsheimer said there is a process the applicants go through and there will be an appropriate time for that discussion at the time it comes before Planning Commission and Council.

Ray Shackelford called upon the City of Apopka to use the VFW as an early voting place in the upcoming 2018 election. He said Council has done budget amendments in the past to fund other items and he called upon them to do a budget amendment to fund the VFW as a site for early voting. He also supported reconsidering the ban on medical marijuana.

Pastor Richard King expressed his gratitude to the City Clerk and City Administrator for responding to their request to remove debris from the Edgewood/Greenwood Cemetery and removal of the tree that was by his wife's grave. He asked when construction would begin on Alonzo Williams Park and the anticipated finish date. He asked if it would be possible during the process to keep them informed of the progress in the newsletter in the utility bills.

City Administrator Irby said the ITB went out and was posted this week and it has to be out for 30 days and will take approximately 15 - 30 days after receipt to review, evaluate, and rank the bids. Following that process a recommendation will be presented to Council. He advised the

City's website is often used to keep the public updated on such projects.

Mayor Kilsheimer advised the City can also provide an update in the newsletters.

Barbara Brown said she was a resident of Apopka and her concern is downtown Apopka, asking when the downtown was going to receive a facelift. She said the beauty of coming in to a city stating you are proud to live in Apopka was needed, stating it was rather drab other than the bridge that was built.

Mayor Kilsheimer asked that Jim Hitt meet with Ms. Brown to provide her with information on all of the plans coming forward for the City of Apopka.

Tammy Hoover spoke stating she was against the attempt to amend the alcohol ordinance.

CONSENT (Action Item)

1. Approve the Traffic Enforcement Agreement with Belmont Reserve HOA.
2. Approve the purchase of new fleet vehicles for multiple departments.
3. Approve the purchase of new heavy equipment for the Public Services, Utilities Construction division

In response to Commissioner Dean inquiring why the dealership in the City was not used for the vehicles, Mr. Irby advised the Sheriff's contract and the dealerships on that contract are already vetted in the State of Florida rules. Any vehicle purchased through Mullinax Ford would be more than the State contract.

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

BUSINESS (Action Item)

1. Replat – Northwest Distribution Center II – Lots 3 & 4. Project: Oakmont Apopka Road LLC – West of Ocoee Apopka Road, east of SR 451, north of SR 414.

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

David Moon, Planning Manager, said this application is for a replat of the Northwest Distribution Center. He advised approximately a year ago the City Council approved a Final Development Plan that requires a replat of a portion of the existing subdivision comprising the Northwest Distribution Center. He said a building currently under construction and ready for a Certificate of Occupancy straddles the line and this replat will eliminate a situation where a building sits across two parcel lines. DRC and the Planning Commission recommend approval of this replat.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to

approve the Replat of the Northwest Distribution Center II, Lots 3 & 4. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Final Development Plan – KMG Fence New Headquarters. Project: KMG Fence, LLC c/o Karen & Joe Grimsley – NW corner of Johns Road and Bradshaw Road
Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

Pam Richmond, Senior Planner, provided a brief lead-in of the project, reviewing the location on a map. She said it is comprised of two of the six parcels located within the Johns Road Commerce Park approved by the City in 2009. She reviewed the surrounding property zoning and uses. She advised the building is 12,000 square feet and the front 3,000 square feet will serve as the office, with the remaining being used for warehouse. The Planning Commission recommended approval at their December 12, 2017 meeting.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve the Final Development Plan for KMG Fence New Headquarters. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Final Development Plan – Adams Brothers Construction Company. Project – Adams Brothers Construction Co., 13th Street, between Tilden Av & South Apopka Blvd.
Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

Ms. Richmond reviewed the location of the project site and reviewed the surrounding properties on a map advising the area is 1.96 acres. She advised it was determined the 42 parking spaces will sufficiently serve the site. The Planning Commission found the plan to be consistent with the LDC and Comprehensive Plan and recommends approval.

David Kiltz, Civil Engineer and representing the applicant, responded to Commissioner Dean's inquiry about irrigation, advising the site will have irrigation.

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

MOTION by Commissioner Dean, and seconded by Commissioner Bankson, to approve the Final Development Plan for Adams Brothers Construction Company as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2583 – Second Reading, Large Scale – Future Land Use Amendment. Project: George Thum, Jr. and Phillip and Peggy Dionne – Located west of Jason Dwelley Parkway, S of W Kelly Park Road. The City Clerk read the title as follows:

ORDINANCE NO. 2583

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION “COUNTY” RURAL (0-1 DU/10 AC) AND “CITY” AGRICULTURE (0-1 DU/10 AC) TO “CITY” INSTITUTIONAL/PUBLIC USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF JASON DWELLEY PARKWAY AND SOUTH OF WEST KELLY PARK ROAD, COMPRISING 15.17 ACRES, MORE OR LESS AND OWNED BY GEORGE THUM, JR. AND BY PHILLIP AND PEGGY DIONNE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon advised there have been no changes since the first reading.

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 Velazquez, to adopt Ordinance No. 2583. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Ordinance No. 2584 – Second Reading - Change of Zoning/PUD Master Plan - Project: East of Ocoee Apopka Road, north of McCormick Road - Oak Pointe South (aka Thompson Hills Est.). The City Clerk read the title as follows:

ORDINANCE NO. 2584

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT (OAK POINTE); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF MCCORMICK ROAD AND EAST OF STATE ROAD 429, COMPRISING 69.7 ACRES MORE OR LESS, AND OWNED BY THOMPSON HILLS ESTATES LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Mr. Moon advised at the first reading Council had approved two additional conditions on the project and these have been added to the PUD ordinance under Condition D-7 and D-11. These conditions were presented by Attorney Richard Geller at the last meeting.

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

the public hearing.

MOTION by Commissioner Becker, and seconded by Commissioner Dean, to adopt Ordinance No. 2584 with conditions as recommended. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Ordinance No. 2606 – Second Reading – Small Scale – Future Land Use Amendment – Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road. The City Clerk read the title as follows:

ORDINANCE NO. 2606

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW TO OFFICE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WEKIWA SPRINGS ROAD, NORTH OF SEMORAN BOULEVARD, COMPRISING 1.06 ACRES MORE OR LESS, AND OWNED BY MOORWOLF LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Phil Martinez, Planner, said there have been no changes since the last reading.

Mayor Kilsheimer opened the meeting to a public hearing.

Carol Adams asked for clarification of the stipulations on drainage stating she wanted to make sure the code was adhered to and that the size of the building was reduced from 13,000 square feet to 7,000 square feet, asking if this needed to be in the Planning Commission or Council minutes.

Mr. Martinez advised he had been contacted by Ms. Adams and she requested the minutes of the Planning Commission. He advised the minutes were being finalized by the recording secretary.

Mr. Moon advised the next ordinance is quasi-judicial matter and under the site plan requirements, the drainage and building will be addressed at that point.

Peter Dailey with Daily Design represents the Moorwolf Group and said he has nothing further to add to the record, but what he had stated at the first reading about drainage and the building size stands.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to adopt

Ordinance No. 2606. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. Ordinance No. 2607 – Second Reading – Change of Zoning – Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road. The City Clerk read the title as follows:

ORDINANCE NO. 2607

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-1 (ZIP) (RESIDENTIAL) TO “CITY” PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WEKIWA SPRINGS ROAD, NORTH OF SEMORAN BOULEVARD, COMPRISING 1.06 ACRES MORE OR LESS, AND OWNED BY MOORWOLF LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Phil Martinez said there have been no changes since the last reading.

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 Velazquez, to adopt Ordinance No. 2607 Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. Ordinance No. 2609 – Second Reading – Change of Zoning – Project: Paul and Kimberly Rehn - Located at 2393 Appy Lane. The City Clerk read the title as follows:

ORDINANCE NO. 2609

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AAA (RESIDENTIAL) TO AG-E (AGRICULTURE ESTATE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF JASON DWELLEY PARKWAY, NORTH OF APPY LANE, COMPRISING 10 ACRES MORE OR LESS, AND OWNED BY PAUL AND KIMBERLY REHN; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Mr. Martinez said there have been no changes since the last reading.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Dean, to adopt Ordinance No. 2609. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. Ordinance No. 2612 – Second Reading – Amending City of Apopka Code of Ordinances – Project: Part II, Chapter 6 – “Alcoholic Beverages”. The City Clerk read the title as follows:

ORDINANCE NO. 2612

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA; AMENDING CERTAIN SECTIONS OF CHAPTER 6, “ALCOHOLIC BEVERAGES” OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, PROVIDING FOR CITY ADMINISTRATOR APPROVAL OF CONSUMPTION OF ALCOHOLIC BEVERAGES FOR EVENTS ON CITY OWNED PROPERTY WHERE A LEASE OR RENTAL AGREEMENT HAS BEEN AUTHORIZED BY CITY COUNCIL FOR SUCH PROPERTY; AMENDING DISTANCE RESTRICTIONS ON THE SALE OF ALCOHOLIC BEVERAGES IN PROXIMITY TO SCHOOLS; ELIMINATING DISTANCE REQUIREMENTS ON THE SALE OF ALCOHOLIC BEVERAGES IN PROXIMITY TO GOVERNMENT BUILDINGS AND CHURCHES; ELIMINATING DISTANCE RESTRICTIONS BETWEEN ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR LOCATION OF SALES ON CITY-OWNED PROPERTY; AMENDING RESTRICTIONS REGARDING THE HOURS THAT ALCOHOLIC BEVERAGES CAN BE SOLD; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Jim Hitt, Community Development Director, pointed out a scrivener’s error on page 8 of the ordinance where City Council voted to change the sale of packaged beverages from 9:00 a.m. to 7:00 a.m., one of the changes was missed and this will be corrected.

Commissioner Bankson said his concern was the broad brush of this, stating he knows the goal is to bring in establishments that are not negative, but his concern is that we cannot stop all of the elements. He said he understood the change in buffer to the downtown areas, but is concerned that this is removed for all churches and daycares. He asked for parks, that there be no open consumption unless it is a city approved event.

Mr. Hitt responded in the affirmative.

Mayor Kilsheimer opened the meeting to a public hearing.

Derek Ryan said he was a lifelong resident of Apopka and asked if this was related to

attracting businesses such as breweries to downtown. He also inquired as to the concern regarding churches, schools, and daycares.

Mayor Kilsheimer advised it was easing the restrictions on establishments that sell alcohol so we can attract businesses to the downtown district such as a brew pub. The other amendment is expanding the hours packaged beverages can be sold by local businesses such as grocery stores.

Commissioner Bankson said the buffer had been 750 feet for all, now it has been removed for all except schools which is 500 feet.

Hezekiah Bradford thanked the Mayor and Commissioner Becker for their donation to the Ministerial Alliance for the Martin Luther King Parade. He said his concern with this ordinance is that after prior changes, this is coming up again for additional changes. He stated in his discussions with police officers, their number one crime for stopping people is alcohol and he expressed concerns regarding drunk driving and added crime in the area with expanded hours.

Benjamin Bankson said he understands school buffers, but how will this affect daycares and churches or centers for families. He stated it is a concern having no buffer and feels there should at least be the same buffer for daycares as for schools.

Nicole Alice lives in Altamonte Springs, but she was a ten year resident in Apopka and she currently works at a daycare. She expressed concerns of people who consume alcohol and walk around or near daycares and how this affects children. She agreed there should also be buffers around family centers and daycares.

Pastor Darrell Morgan said he agreed with Pastor Bankson that there has to be boundaries to churches, daycares and family centers. He stated everywhere he goes people speak of Apopka as the best place in Central Florida to raise children. He asked that they consider putting children above business and consider the buffers.

Tenita Reid is a resident of Apopka and she is strongly opposed to the alcohol ordinance amendments allowing alcohol establishments next to churches and daycares or government buildings without any buffer zones. She said she was strongly opposed to sales being allowed closer to schools. She stated she was opposed to allowing sales of alcohol at 7:00 a.m., especially on Sunday, or expanding the hours to 2:00 a.m. She said drinking causes serious problems for our community and stated if this is approved, the city is heading in the wrong direction.

Rebecca Holler said she was against this for the reason of seeing students passing away from drinking and driving. She spoke of an inebriated man coming toward her when she was walking to her car one evening from church. She disagreed with taking the buffer from churches.

Eryca O'Connor said people are going to drink regardless of what type of imaginary line you put around alcohol sales. She said she has three children and where she lives in Lake Mary

there are no buffers for businesses that sell alcohol and the city approves any special events. She said she has never seen an issue and reiterated people were going to purchase alcohol regardless.

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

Commissioner Becker said from Mrs. Brown's point earlier about the downtown areas, trying to revitalize our downtown area includes establishments that sell alcohol. He pointed out the prior buffer of 750 feet did not allow any establishments to come in to downtown and by eliminating these buffers and decreasing the buffer to schools will allow some of those types of businesses to come to downtown Apopka. He said the 7:00 a.m. was more for a grocery store and to create a better buying experience for people that live in the city. He said while he was empathetic to the various stories, but we have had this ordinance in place and it has not prevented these things from happening. He said the public safety agency can police those establishments to make sure the residents are safe. He said he supported the ordinance as written.

Commissioner Bankson said there were circumstances and reasons to have the buffers and the other institutions deserve that protection. He said it was too broad based for him.

In response to Commissioner Velazquez asking what determined the change in distance, Mr. Hitt advised a lot of the blocks were less than 750 feet and this could create a cone area prohibiting businesses from going in. He advised he was not aware of any state standard for schools.

Mayor Kilsheimer pointed out other municipalities, such as Winter Park, have broad businesses and they all peacefully coexist, which is what we are aiming for here.

MOTION by Commissioner Becker, and seconded by Commissioner Kilsheimer, to adopt Ordinance No. 2612. Motion carried 3-2 with Mayor Kilsheimer, and Commissioners Velazquez, and Becker, voting aye and Commissioners Dean and Bankson voting nay.

7. Ordinance No. 2613 – Second Reading – Annexation – Project: Iglesia El Getsemani, Inc. – 2575 West Orange Blossom Trail. The City Clerk read the title as follows:

ORDINANCE NO. 2613

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY IGLESIA EL GETSEMANI INC. LOCATED AT 2575 WEST ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt advised there have been no changes since the last meeting.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to adopt Ordinance No. 2613 at Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

8. Ordinance No. 2614 – Second Reading – Annexation – Project: Orange County – East Sandpiper Street (from Thompson Road to approximately 546 feet east of North Park Avenue). The City Clerk read the title as follows:

ORDINANCE NO. 2614

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS EAST SANDPIPER STREET SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF NORTH PARK AVENUE AND EAST OF THOMPSON ROAD, AND COMPRISED OF APPROXIMATELY 8.4 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt said there have been no changes since the last meeting.

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 adopt Ordinance No. 2614. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

9. Ordinance No. 2615 – Second Reading – Annexation – Project: Orange County – Johns Road (East of Binion Road). The City Clerk read the title as follows:

ORDINANCE NO. 2615

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS JOHNS ROAD SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF SOUTH BINION ROAD AND EAST OF JOHNS ROAD, AND COMPRISED OF APPROXIMATELY 1.05 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR

DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mr. Hitt said there have been no changes since the last meeting.

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

MOTION by Commissioner Dean, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2615. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

10. Ordinance No. 2616 – Second Reading – Annexation – Project: Orange County – General Electric Road (from West Orange Avenue west approximately 1,417 feet). The City Clerk read the title as follows:

ORDINANCE NO. 2616

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS GENERAL ELECTRIC ROAD AND PARCEL I.D. NUMBER 06-21-28-7172-02-401 SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF HERMIT SMITH ROAD AND EAST OF WEST ORANGE AVENUE, AND COMPRISED OF APPROXIMATELY 2.3 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF APOPKA; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt said there have been no changes since the last meeting.

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 adopt Ordinance No. 2616. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

1. Request to discuss policy revisions on Ordinance 2388 concerning medical marijuana. Mayor Kilsheimer recognized State Representative Carlos G. Smith.

State Representative Carlos G. Smith said he represents East Orlando House District 49 in the Florida Legislature and said he appreciates the opportunity to offer his perspective on what happened and why Tallahassee gave the options they are faced with on medical cannabis

dispensaries. He said to offer full disclosure, he voted no on the implementing law, stating he voted no, not because he opposed medical cannabis. He said he supports medical cannabis and he supports Amendment 2 like 71% of Florida voters. He voted no because many of the provisions in 8A passed by the legislature were very problematic, particularly around the inflexibilities local governments have been given on how to regulate medical cannabis dispensaries. He stated patients were leaving dispensaries either with pills, liquid, or some sort of edible. He said he was very worried about what Tallahassee intended to do with these options. He declared they intended to set a trap for local government wanting voters to blame someone other than Tallahassee for a botched implementation law. He said they believed voters would blame the local government and not the state for banning dispensaries. He said this debate was not whether medical marijuana was legitimate, the voters already decided and it is now their constitutional right to this medicine if they are a qualified patient. He stated the unintended consequence of a dispensary ban is that qualified patients will now have to travel longer distances to get access to the medicine, pay more out of pocket costs, either in transportation or delivery fees, and that can be the difference in whether they get their medicine or they don't. He said qualified patients are patients with ALS, PTSD, Parkinson's, HIV, or cerebral palsy, pointing out many of the patients are those who have mobility issues. He stated because of Federal Law, insurance companies do not cover medical cannabis as medicine and will not reimburse or cover any of the costs. He asked Council not to let a dispensary ban in Apopka be the last straw that prevents some of these qualified patients from accessing their constitutional right to this medicine.

Commissioner Bankson said from what he read this was not allowed to be smoked, other than vaping.

Representative Smith responded in the affirmative. The Legislature banned the patient's ability to access the flower entirely or smoke the product. He reviewed the various accessible ways to obtain medical cannabis and said these dispensaries are pharmacies.

Commissioner Bankson said Apopka had come up with a solution to this until the State tied our hands. He stated our law enforcement provided a number of reasons on why they needed to be cautious of how they approach this.

Representative Smith said one thing to keep in mind, because there is a ban on the flower and the plant, the job for law enforcement has been made quite easy. The reality is if someone has a green plant, they did not obtain it through the medical cannabis law.

Gary Stein said he lives in Pasco County and is the Political Director of Central Florida Chapter of NORML, which is the national organization for reformation of marijuana laws, and he is also a patient advocate, a subject matter expert, a cannabis and caregiver to a lovely lady who lost her eyesight because she did not have access to the medicine. He said he has a lot of friends in Apopka who have asked him to speak on their behalf. He said this was about getting well and having a quality of life. He said he was here to help in this endeavor and said dispensaries were not a public safety issue. He declared the only way it was a gateway drug was if a black market was involved. By offering legal access to this medicine, the black market moves elsewhere.

Rod Love said they understand what the Legislature did and he appreciated Representative Smith articulating that. He said the educational aspect was very important and said the University of New Mexico released a study last month regarding how the use of medical marijuana has reduced opioid use. He stated they heard rezoning for alcohol today and declared that medical marijuana saves lives.

Dr. Genester Wilson-King said she lives in unincorporated Orange County and she has been a physician for twenty years. She is a member of the Board of Directors for the Society of Cannabis Clinicians. She stated she gives expert opinions in cases which patients are arrested for the possession of cannabis. She affirmed that every case brought to her, the charges have been dismissed. She said she is a medical director for one of the MMTC's. She stated she was here to allay some of the fears that might be involved in having a dispensary in the area. She said these patients are not people who want to get high, or people who do not want to work, but people who want to be productive, contributing citizens. She declared using medical cannabis was very helpful and allows patients to get off of drugs that prevent people from functioning. She stated studies show that cannabis decreases the alcohol intake in communities and it is an out drug for opioids. She advised that cannabis was one of the most therapeutic drugs known to mankind.

Jose Belen said he was from Lake Mary and he is a United States Army combat veteran, honorably discharged in 2005. He stated at that time he began his 13 year battle with PTSD and this battle has nearly taken his life via suicide many times over. He said he was given prescription medications by the VA that pushed him closer to suicide and the one medicine that has helped him not leave his wife a widow or his children without a father has been medicinal cannabis. He stated his research has revealed that Apopka has 3,017 veterans within its community. He said law enforcement officers injured in the line of duty silently battle PTSD and this is a very dangerous situation. He declared while he silently battled this disease he was one of the number one insurance professionals in corporate America. He said medicinal cannabis has nothing to do with getting high and it helps him to run the organization he founded called Mission Zero that helps and is dedicated to ending veteran suicide. He asked City Council to pass this.

Derek Ryan said he was a lifelong citizen of Apopka and he has spoken here before on this issue. He stated there has been a lot of good discussion and he follows the concept of the KISS theory. He said this was a simple issue, it is not about illegal drugs, home rule, or zoning. He stated this was about sick human beings who want all access to medical cannabis, a legal medication. He asked that Apopka allow dispensaries.

Monique Zimmerman said she is blind, she is from Wesley Chapel, and she was here on behalf of a friend who lives in Apopka who is also blind. She stated this friend would find it a godsend to have a dispensary close by and spoke of how difficult it is to use public transportation. She said with being blind, if there is a mistake in a delivery, you would not know until you opened the package and began to use it, resulting in additional fees that are not affordable. She asked for a dispensary in the area to make it easier for this friend. She stated she was not a drug addict and uses this medication to relieve the pressure in her eyes.

Benjamin Bankson said he was not against the potential medical usage, but he was speaking

from a different perspective. He stated there is the potential for it going beyond medical uses and when it comes to these kind of things, marijuana is often projected as a completely benign substance and he does not feel that is absolutely accurate. He said while there may be some benefits, he thinks the other side of the coin needs to be discussed on some of the downsides. He stated while the subject tonight may be medical marijuana, what he is saying may not be relevant to this particular discussion, but he did want it to be in the public eye in terms of marijuana specifically. He said not all uses of marijuana are medicine, stating we also have dopamine receivers in the body and that does not mean we should be taking drugs. He said while many have referenced alcohol, you cannot really compare these, as alcohol can be metabolized by the body and THC cannot. He declared he was talking about the potential progression toward recreational use of marijuana and by opening a dispensary that is not part of a pharmacy, are we creating an atmosphere of acceptance of recreational later on.

Nicole Alice said she believes children are our future and she recently read where many parents have medical marijuana are dealing with parent custody issues, and spoke of a pregnant woman using medical marijuana having her child test positive could potentially have the child taken away. She said a child's brain is still forming and use of medical marijuana can affect the functioning and behavior of a child. She said many people want to move to Apopka because it is so family oriented. She said she was against the dispensaries.

Michael Wolf said he was a resident of Apopka having moved here five years ago. Prior to moving here he was active with the fire department for 26 years where he previously lived and he was an EMT. He saw firsthand what happens to people who are under judgement influencing substances. He stated he did not feel dispensing would enhance the City of Apopka. He said many who spoke in favor do not live in Apopka.

Bob McQueen said he was an Apopka resident and there were a lot of people outside of Apopka trying to persuade us to have medical marijuana treatment centers in Apopka. He stated he would argue to uphold the moratorium and not revisit this decision. He said medical associations around the world agree that any medicines should be determined in the lab by a scientific process. He said they did not vote for antibiotics or cancer drugs, they do not smoke opium to reap the benefits of morphine, nor do they chew willow bark from trees to receive the effects of aspirin. He said a recent study revealed the average patient of a medical marijuana treatment center was a 32 year old white male with a history of drug and alcohol abuse and no history of a life threatening disease. He declared he did not want someone like this hanging around his home. He stated recent studies were beginning to find a link between medical marijuana and increased drug use.

No others wishing to speak, Mayor Kilsheimer closed public comment.

Commissioner Becker thanked Council for entertaining this conversation tonight. He thanked the people from outside Apopka for coming here as they have added factual content to the discussion at hand. He stated 70% of our population overwhelmingly voted to make this a legal product and for them to discuss whether it was legal or not was a moot point. He said he was passionate about the compassionate use of medical marijuana, but this does not mean he is not compassionate about crime. He said this product helps address so many medical issues and has positively impacted the lives of many in attendance. He referenced studies that state

the density of medical marijuana dispensaries was not associated with violence or property crime rates. He stated this was due to the security measures that a dispensary takes to reduce crime. He referenced studies, including one where 70% of law enforcement supported the idea of having medical marijuana, or both medical marijuana and recreational marijuana legal within their areas. He pointed out that the application to apply for a license to open a medical dispensary in the State of Florida was eleven pages long and within those pages there was a lot of criteria that has to be provided showing accountability, locking options for ingress/egress, alarm systems, video surveillance, layout and dimension of each room, how the product will be stored so it is safe and not penetrable. He declared this application turned into over 750 pages when Knox Nurseries applied to the State of Florida. In order to be considered as a medical treatment center or a dispensary, an operation has to be a nursery in the State for 30 continuous years. He affirmed that he had an opportunity to visit the dispensary at U.S. 441 and John Young Parkway, stating he was beyond impressed. He said this was more secure than a pharmacy where you would have drugs that are more highly addictive and harmful to your body than medical marijuana. He advised if a patient did not come with cash, there is an ATM behind a secured door they would be able to access, and there is the Canna Pay option which is an app you can have on a cell phone. He said a minimum delivery fee can be 25 – 30% of the total transaction paid to have it delivered to your house. He also stated he took exception to the fact that he does not have an idea of what it means to consider youth, stating he had three young daughters, ages 9, 6, and 4 years of age. He said he would worry about the health issue versus any sort of developmental or learning situation as this is about the health of the people who need, use medical marijuana, and depend on it. He reiterated that these businesses are very legitimate, long term businesses that are not going to jeopardize the cities in which they transact by having a business that is not safe. He recommended revoking the ban and entertain good sound legislation and policy for the residents of Apopka. He said Orange County did pass it unanimously and there is potential for these establishments within the city borders.

City Attorney Shepard said if Council decided to have a modification of some kind, the procedure would be to put together an ordinance to modify and it would take two readings. He said he would check data input from what other governing bodies have done and try to make it consistent with what Council's wishes are. He advised the key to the legislation is that it has to be regulated in a way that is no different than pharmacies. He affirmed the City is left with the option to either ban or allow dispensaries.

Mayor Kilsheimer said the direction Council is trying to give to the City Attorney and staff is whether to modify the ordinance or to leave it alone.

City Attorney Shepard advised Council will need to direct in what way to modify the ordinance, as it will have to be modified in a way that will also modify what they do with pharmacies.

Commissioner Becker suggested modifying Ordinance No. 2388, keeping the geographical areas that are already outlined within the Ordinance, stating that rather than referring to dispensaries as an entity, it is more the dispensing of medical marijuana. He stated this would be applicable to both pharmacies and dispensaries because the State Law does not put a definition around medical marijuana treatment centers.

Mayor Kilsheimer said it was fair to say the City Attorney will have to research before he can give a definitive answer tonight.

City Attorney Shepard said that was a fair statement and said the issue that may be honed in on, is that while it is an attempt to be like pharmacies, it is not as pharmacies have to be governed by Federal Law if they want to get insurance money and unless this changes, pharmacies will never be dispensing medical marijuana. He declared sincere people are being sued for what is coming next and this concerns him for which he feels a responsibility as a leader.

Mayor Kilsheimer said for him it remains a zoning issue because you have only one choice, to ban or not ban. His sole objection prior to considering the ban was that all other jurisdictions were going to ban dispensing and the zoning issue went away when Orange County voted to allow dispensaries. He pointed out there are many locations in Apopka that dispensaries could be located on land that is unincorporated Orange County. He declared since Orange County has decided not to ban dispensaries in unincorporated Orange County, it makes no sense for Apopka to continue banning medical marijuana dispensaries. He affirmed he was in favor of modifying the ordinance.

Commissioner Bankson said the only way to rationally deal with this is to defuse emotion and really look at the heart. He said there was a ditch on both sides of the road and this was not a debate about the benefits of medical cannabis. He stated with all medications there are pros and cons and when one is suffering severely it is worth trading to get the relief one needs. He asked how they can keep it from being in all the places it could be. He said there was a huge lobby across the United States to try and make recreational use legal. He stated if the City can deal with zoning and keep this for those who genuinely need medical cannabis for those who need relief and help.

City Attorney Shepard said currently dispensaries are not allowed and if not allowed goes to allow it has to be allowed in the same way pharmacies are allowed. He advised in order to properly implement this constitutional amendment and the state statute that has been provided, as written now, you would have to allow in the same places as a permitted use like pharmacies. If amending to try and limit the area where medical marijuana dispensaries can go, any future pharmacy as well as any dispensary would have to be zoned or have a limitation on zoning so that what previously was permitted would not be permitted in the future.

Commissioner Becker suggested drafting a policy that limits the areas in where you can dispense this product. He said there were three key facilities that make up the medical marijuana treatment center: 1) the cultivation center; 2) the processing center; and 3) the dispensing facility. He stated if they say you can only dispense in those two geographic areas, this Council has previously supported, is what he is proposing.

City Attorney Shepard reiterated the intended consequence of what the legislature did was to not make that possible. The question being raised is, did they do a good job, or did they leave a loop hole. He stated he would research and provide as informed an opinion as he can.

Mayor Kilsheimer said this come back to a simple question of do they give direction to staff to modify the ordinance or they don't modify the ordinance.

MOTION by Commissioner Becker, and seconded by Commissioner Dean to instruct staff to make revisions to Ordinance 2388 to allow for medical marijuana treatment centers in the city limits and to move toward eventual revocation of Ordinance 2582 that bans medical marijuana treatment centers in the City. Motion carried unanimously with mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

MAYOR'S REPORT – Mayor Kilsheimer reported with Monday being Christmas, there would be no garbage pickup that day. Regular garbage pickup will resume on Thursday for those who have Monday schedules.

ADJOURNMENT: There being no further business, the meeting adjourned at 10:28 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST;

Linda F. Goff, City Clerk



CITY OF APOPKA CITY COUNCIL

☒ CONSENT AGENDA
☐ PUBLIC HEARING
☐ SPECIAL REPORTS
☐ OTHER:

MEETING OF: January 17, 2018
FROM: Recreation
EXHIBITS:

SUBJECT: ALCOHOL SALES AT CITY EVENTS

Request: APPROVAL

SUMMARY:

On December 20, 2017 City Council adopted Ordinance No. 2612 which requires City Council approval for the sale, consumption and carrying of alcoholic beverages on City-owned property during events or programs.

Staff is requesting approval for sale of alcoholic beverages at the following City sponsored event being held at the Northwest Recreation Complex.

- February 9-10, 2018 – BBQ Blast Apopka: Activities include a steak and barbeque competition, live local music performer, movie, public safety vehicles, truck show, face painting and fireworks.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

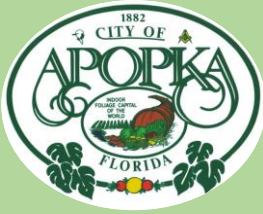
Approve the distribution and sale of alcohol at the BBQ Blast Apopka event at the Northwest Recreation Complex.

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



CITY OF APOPKA CITY COUNCIL

☒ CONSENT AGENDA
☐ PUBLIC HEARING
☐ SPECIAL REPORTS
☐ OTHER:

MEETING OF: January 17, 2018
FROM: Public Services
EXHIBITS:

SUBJECT: NEW PORTABLE GENERATOR

REQUEST: AUTHORIZE THE PURCHASE OF A PORTABLE GENERATOR NEEDED DUE TO THE INCREASE IN THE QUANTITY OF SANITARY SEWER PUMPING STATIONS IN THE EVENT OF LARGE SCALE POWER FAILURES FROM ZABATT POWER SYSTEMS IN THE AMOUNT OF \$77,300

SUMMARY:

Authorize the purchase of a new portable generator needed due to increases in the quantity of sanitary sewer pumping stations in the event of large-scale power failures. Pricing is made available through the Florida Sheriffs Association Contract.

This purchase exceeds the approved budget by \$2,300; however, savings were experienced in previous purchases of equipment and will be used, in part, to complete this purchase. Staff requests approval to purchase the from Zabatt Power Systems of the portable generator in the amount of \$77,300.

FUNDING SOURCE:

Funding is approved in the FY 17/18 Plant Maintenance Division/3191 Budget.

RECOMMENDATION ACTION:

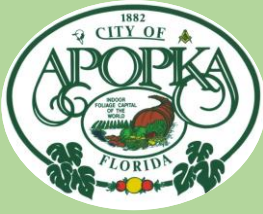
Authorize the purchase of a new portable generator for the sanitary sewer pumping stations from Zabatt Power Systems for \$77,300.

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



CITY OF APOPKA CITY COUNCIL

☒ CONSENT AGENDA
☐ PUBLIC HEARING
☐ SPECIAL REPORTS
☐ OTHER:

MEETING OF: January 17, 2018
FROM: Police Department
EXHIBITS: Agreement

SUBJECT: TOWER SITE AGREEMENT.

REQUEST: AUTHORIZE THE MAYOR OR DESIGNEE TO ENTER INTO AN AGREEMENT WITH LAKE COUNTY TO CO-LOCATE A NORTHERN COMMUNICATIONS SITE.

SUMMARY:

The City Council authorized the purchase and construction of a northern communications site (Motorola 2nd Site) in order to improve the radio communications coverage of public safety and general city services provided by the city. In the spirit of cooperation, Apopka staff have been in communication with Lake County staff regarding the colocation of radio services. Staff negotiated an agreement for Apopka's use of Lake County land and Lake County's use of Apopka's communications tower.

This request is to allow staff to enter into the agreement for mutual benefit.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Authorize the Mayor or Designee to execute the agreement on behalf of the city.

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

INTERLOCAL AGREEMENT

BETWEEN

LAKE COUNTY, FLORIDA

AND

CITY OF APOPKA, FLORIDA

FOR SHARED PUBLIC SERVICE RADIO COMMUNICATION FACILITIES

THIS INTERLOCAL AGREEMENT by and between Lake County, Florida, a political subdivision of the State of Florida, hereinafter the “COUNTY”, and the City of Apopka, Florida, a municipal corporation organized under the laws of the State of Florida, hereinafter the “CITY”, hereinafter collectively referred to as the “Parties”.

WHEREAS, Section 163.01, Florida Statutes (2017) provides that local governments may enter into interlocal agreements to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage; and

WHEREAS, the COUNTY is the owner of certain real property generally located in the SW ¼ of Section 29, Township 19, Range 28, south of SR 46 in Lake County, Florida, more particularly described in **Attachment A**, attached hereto and incorporated herein, also identified as a portion of Alternate Key No. 1476577 (“County Property”); and

WHEREAS, the CITY desires to construct public service radio communication facilities on the above described real property; and

WHEREAS, both the CITY and the COUNTY own and operate radio communication facilities for use for public safety purposes; and

WHEREAS, shared usage of public service radio communication facilities and systems is in the best interest of the CITY and the COUNTY, as it benefits the health, safety and welfare of the residents of both the CITY and the COUNTY.

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, understandings, conditions, premises, and covenants hereinafter set forth, and intending to be legally bound, the COUNTY and the CITY agree as follows:

1. RECITALS. The foregoing recitals are true and correct and incorporated herein by reference.

2. USAGE OF COUNTY’S PROPERTY AND TOWER.

A. The COUNTY will allow the CITY to utilize a portion of the County Property for the construction and installation of a CITY-owned public service radio communication

tower, antennae, related cables, generation and other support equipment related to the CITY's wireless, intergovernmental communications system.

- B. The COUNTY hereby grants to the CITY an exclusive license for ingress/egress and to construct, install, maintain and operate a tower, antennas, related cables, generation and other support equipment on the specific portion of the County Property as described in **Attachment B**, attached hereto and incorporated herein ("Tower Site"), for the purpose of the CITY's operation and maintain of the CITY's radio communication system. Nothing herein shall be construed as creating a permanent license or easement that would survive any fee simple conveyance by the COUNTY of the County's Property. The COUNTY acknowledges the CITY intends to install and construct a guyed tower for the CITY's needs. In the event modification in the interest of the COUNTY is necessary (lattice-style tower or other modifications), the expense shall be borne by the COUNTY. Both the CITY and COUNTY shall work in cooperation to best protect the public interest and public safety needs envisioned within this agreement.
- C. The CITY will secure the Tower Site located on the County's Property in the manner the CITY deems appropriate, at the CITY's expense. The CITY shall provide the COUNTY with a key or other method to access the secured entry to the Tower Site. Access on the County's Property and the Tower Site by vendors or other persons acting on behalf of, or in the employ of, either Party shall act only under the direct supervision of appropriate persons of the respective Party.
- D. Any additional uses of the County's Property and the Tower Site by the CITY not addressed in this Agreement, including construction or installation of improvements, shall be allowed only by subsequent agreement between the Parties.
- E. The CITY hereby grants to the COUNTY an exclusive license to construct, install, maintain and operate a COUNTY-owned antenna, related cables, building, generation and other support equipment on the City-owned tower on the Tower Site. The CITY agrees to allow the COUNTY to utilize the City-owned tower at no expense to the COUNTY.
- F. The CITY acknowledges and agrees that the COUNTY may use the County's Property for any lawful use that does not interfere with CITY's use of the Tower Site for the purposes and objectives intended, without prior notice to the CITY. The CITY acknowledges that the COUNTY may begin construction of one or more retention pond(s) on the County's Property without prior notice to the CITY.

G. Third-party carrier co-location agreements will be considered by the COUNTY and the CITY. The CITY will maintain responsibility and approval for the CITY owned personal property and fixtures (tower) while the COUNTY shall maintain responsibility and approval for County's Property (land). Third-party carrier co-location agreements shall be considered a sublease and shall be approved by both the CITY and the COUNTY. Any income received pursuant to such third-party carrier co-location agreement shall be split evenly between the COUNTY and the CITY and the sublease shall require the third-party carrier to make payments directly to both entities.

3. CONSTRUCTION, RE-CONSTRUCTION AND ALTERATIONS TO TOWER AND TOWER SITE; NOTICE TO COUNTY AND RIGHTS OF PLAN REVIEWS.

A. The Parties each reserve the right to construct, reconstruct or make such alterations to their own antennae, related cables, generation and other support equipment related to their wireless, intergovernmental communications system as they deem necessary or desirable for continued operation or enhancement of their respective operations. In the event of reconstruction or alteration of the tower, equipment or Tower Site by a Party, the other Party shall have the right to review the proposed plans for same in advance of the work being performed to evaluate whether the reconstructed or altered facilities will be compatible with its wireless, intergovernmental communications and shared communications facilities. In the event it is determined that the proposed alterations are incompatible, the other Party will attempt modify the plans to accommodate the technological requirements for compatible use that is satisfactory to both Parties. If no agreement can be met, the COUNTY or the CITY shall have the option to terminate this Agreement and to relocate its antennae and related equipment to alternative locations without incurring liability for damages to the other Party. At no time shall the CITY locate or relocate its tower and related equipment outside the Tower Site, without prior written amendment to this Agreement signed by both Parties.

B. If, as a consequence to construction, modification, demolition or reconstruction to the tower, antenna or facilities located on the Tower Site, the facilities of the other Party are affected in such a way as to result in removal, modification or reinstallation, the affecting Party shall be responsible for the resultant costs to the affected Party. In the event such circumstances arise, the affecting Party shall contact the other Party in advance of and during such a project to amicably identify and resolve any potential or actual conflicts or issues of mutual benefit and concern; it being contemplated that no such work would

be undertaken by either Party without advance notice thereof to the other Party so as to avoid any unnecessary expenditures or inconvenience to either Party.

- C. All such work done by either Party shall be constructed and installed in a good and workmanlike manner and completed in compliance with all applicable laws, rules, ordinances, regulations and all local, State, and national code standards including, but not limited to, height and wind loading requirements. Further, the tower shall be constructed and maintained by the CITY to safely and effectively accommodate, at minimum, both Parties' antennae and support equipment in a technologically compatible manner. Each Party shall be responsible to the other for the costs of damages or destruction of the other's antennae, tower, equipment or facilities caused by any such construction, reconstruction, maintenance, upgrade or operations of its own antennae, tower or related equipment.
- D. Drawings, equipment lists and essential technical data of the towers, radio antennae and related support equipment shall be consistent and located within the Tower Site pursuant to the site plans and technical, operating compatibility requirements in **Attachment C**, attached hereto and incorporated herein.
- E. Any consent or approval which either Party is required to obtain from the other pursuant to this Agreement shall not be unreasonably withheld, delayed or conditioned. In the event of disagreement as to what constitutes "reasonable withholding of approval", letters of consultants supporting the position of that Party shall be deemed evidence of reasonableness.

4. RIGHTS AND RESPONSIBILITIES REGARDING ENCUMBRANCES OF TOWERS, PREMISES AND THE PARTIES ANTENNAE AND EQUIPMENT. During the term of this Agreement and any extension or renewal thereof, the tower and Tower Site on which the tower is located shall be the property of the Party in whose name title is vested at the date of execution of this Agreement. Except as expressly authorized elsewhere in this Agreement, at no time during the term of this Agreement or extensions thereof shall the Parties pledge, mortgage or hypothecate any interest in their respective properties which are the subject of this Agreement which would create an encumbrance, lien or security interest in the property of the other Party without the express written consent of that Party. Nothing herein shall be deemed as prohibiting or in any way limiting the ability of the COUNTY to encumber the County's Property with the normal security interests associated with capital financing, such as revenue bond covenants, nor shall this Agreement be construed or applied in such a manner as to interfere with any such bond covenants presently in effect or as may hereafter be in effect from time to time.

5. MAINTENANCE.

- A. The CITY shall be responsible for all costs relative to design, installation, construction, reconstruction, alteration, maintenance, repair, security and operation of its tower, antenna, cables, generation and supporting equipment on the Tower Site and shall keep the same in good order, repair and condition during the term of this Agreement.
- B. The CITY shall be responsible, at its costs, for maintaining the grassed areas and landscaping including, but not limited to, mowing and trash pick-up, within the Tower Site.
- C. If the COUNTY elects to utilize the City-owned tower on the Tower Site, the COUNTY shall be responsible for all costs relative to the installation, maintenance, repair, security and operation of its own antenna, cables, generation, buildings, and supporting equipment on the Tower Site.
- D. During the term of this Agreement, the CITY shall keep the Tower Site free of debris and any hazardous, dangerous, noxious, or offensive matter which would create a hazard or undue vibration, heat, noise or any form of signal interference in connection with the use of the facilities.

6. UTILITIES. The CITY shall be responsible for the consumption of electricity and any and all other utilities associated with the Tower Site so long as the CITY is the sole user of the Tower Site, and shall timely pay all costs associated therewith. Such arrangements may be initially established or revised from time to time by a letter of understanding signed by both Parties without the need for formal amendment to this Agreement. In the event the COUNTY elects to utilize the City-owned tower on the Tower Site, the Parties shall provide for separately metered charges for the consumption of electricity and all other utilities associated with their portion of the facilities. This arrangement may be initially established or revised from time to time by a letter of understanding signed by the CITY and the County Manager without the need for formal amendment to this Agreement.

7. COMPLIANCE WITH LAWS AND STANDARDS.

- A. The Parties shall comply with all present and future Federal, State, and local laws, ordinances, rules, and regulations (including, but not limited to, laws, rules and regulations issued by the Federal Communication Commission (FCC), Federal Aviation Administration (FAA) and site standards in connection with the installation, use, operation, repair and maintenance of the tower and antenna facilities. The payment of any penalties or fines arising out of or in any way connected with the violation of, or non-compliance with, the foregoing shall be sole and exclusive responsibility of the Party in violation.
- B. The shared use of the tower or facilities by each Party is contingent upon its obtaining any and all certificates, permits, zoning, future land use, and other approvals that may be required

presently or in the future by any Federal, State or local authority. If the COUNTY determines that the County Property or a portion of the County Property related to the Tower Site does not currently have the proper zoning or future land use designations per the Lake County Code/Land Development Regulations and the Lake County 2030 Comprehensive Plan, the COUNTY agrees to promptly after the Effective Date of this Agreement submit application(s) for amendment(s), change(s) and approvals. The CITY agrees that it will not construct, install, maintain and operate a tower, antennas, related cables, generation and other support equipment on the Tower Site until the proper zoning and future land use designation is obtained. In the event such approval is denied, withheld or subsequently withdrawn, this Agreement may be immediately terminated at the request of either Party.

8. TERM. The initial term of this Agreement begins upon the Effective Date and will remain in effect until terminated by either party after first giving one (1) year written notice, with or without cause, to the non-terminating party. Within five (5) months from the date of the written notice to terminate, the COUNTY shall, at the COUNTY's expense, vacate all antennas, cables, and other equipment located on the CITY's tower on the Tower Site. During that year the CITY will vacate the Tower Site, providing for removal, at the CITY's expense, of the tower, antennas, cables, buildings, generation and other supporting equipment from the Tower Site. In the event of such difficulty or impossibility of relocation, the County Manager and City Administrator may accommodate the need for such extensions of time so as to best protect the public interest, public safety needs and in the spirit of cooperation envisioned by this Agreement.

9. REPLACEMENT FACILITY. Neither Party is under any obligation to provide a replacement location, tower or facility to the other Party under any circumstances including, but not limited to condemnation, substantial damage to the tower or related site or improvements thereon attributable to act of God, explosion, fire, flood, wind, hurricane, tornado, sinkhole, substrate failure or any other form of natural or man-made disaster. Notwithstanding the above, in the event the Party exercises its option to repair, replace or reconstruct the damaged site or facilities, the Parties shall have the right to continue under the terms of this Agreement as before or to terminate at their sole option, without being liable for damages to the other Party.

10. CONDEMNATION. In the event either the Tower Site or the County's Property are taken by eminent domain, this Agreement automatically terminates on the date of title vests in the condemning authority. In the event a portion of the County's Property is taken by eminent domain so as to materially hinder effective use of the tower, related property and equipment by either or both of the Parties, either Party shall have the right to terminate this Agreement. In the event of any taking under the power of eminent domain, the Parties shall be entitled to any portion of the award paid for the taking relative to their respective ownership of the condemned property or improvements.

11. SALE OF PROPERTY.

- A. In the event the Tower Site or the County's Property is to be transferred or sold, this Agreement shall automatically terminate as of the date the title vests in the purchaser/transferee. In no event shall the Tower Site be sold without one (1) year written notice to CITY. In the event a portion of the County's Property, other than the Tower Site, is transferred or sold and this transfer/sale materially hinders effective use of the tower, related property and equipment by either or both of the Parties, either Party shall have the right to terminate this Agreement upon one (1) year written notice to the other Party.
- B. The County shall offer the City first right of refusal for the purchase of the County Property or portion thereof useful for the continuing operation of Tower Site. The County agrees to notify the City at least five (5) days of accepting an offer to purchase the County Property or portion thereof useful for the continuing operation of the Tower Site and will provide a copy of the purchase agreement, if any, including the price and terms and conditions and which shall be contingent upon and subject to the City's first right of refusal. The City will then have thirty (30) days to notify the County of the City's desire to exercise its right to purchase, and the County's agreement with the third party will terminate. The City shall then enter into a purchase agreement with the County at the same price and under the same terms and conditions as the accepted offer.

12. INDEMNIFICATION. Each Party is responsible for all personal injury and property damages attributable to the negligent acts or omissions of that Party and the officers, employees and agents thereof. The Parties further agree that nothing contained herein shall be construed or interpreted as denying to either Party any remedy or defense available to such party under the laws of the State of Florida.

13. INSURANCE. The CITY shall be responsible, at its costs, for maintaining adequate insurance coverage against claims by third persons arising from the construction, use, misuse and/or reliability of all tower, antennae, related cables, generation and other support equipment related to the CITY's wireless, intergovernmental communications system. The COUNTY shall be responsible, at its costs, for maintaining adequate insurance coverage against claims by third persons arising from the construction, use, misuse and/or reliability of all antennae, related cables, generation and other support equipment related to the COUNTY's wireless, intergovernmental communications system. Both parties agree that all contractors and subcontractors used for activities which are the subject of this Agreement list both the CITY and the COUNTY as additional insured.

14. ASSIGNMENT/THIRD PARTY BENEFICIARIES. Neither COUNTY nor CITY shall assign, delegate or otherwise transfer its rights and obligations hereunder to any other Party without the prior written consent of the other Party. There are no third party beneficiaries to this Agreement.

15. MODIFICATIONS. Unless otherwise specified herein, no modification, amendment, or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed by the Parties, with the same formality and of equal dignity herewith.

16. NOTICES.

- A. All notices, demands, or other writings required to be given or made or sent in this Agreement, or which may be given or made or sent, by either Party to the other, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

COUNTY

County Manager
P.O. Box 7800
Tavares, Florida 32778-7800

CITY

City Administrator
120 E. Main Street
Apopka, Florida 32703

Lake County Office of
Public Safety Support
P.O. Box 7800
Tavares, Florida 32778-7800

- B. All notices required, or which may be given hereunder, shall be considered properly given if (1) personally delivered, (2) sent by certified United States mail, return receipt requested, or (3) sent by Federal Express or other equivalent overnight letter delivery company.
- C. The effective date of such notices shall be the date personally delivered, or if sent by certified mail, the date the notice was signed for, or if sent by overnight letter delivery company, the date the notice was delivered by the overnight letter delivery company.
- D. Parties may designate other parties or addresses to which notice shall be sent by notifying, in writing, to the other party in a manner designated for the filing of notice hereunder.

17. ENTIRE AGREEMENT. This document embodies the entire agreement between the Parties. It may not be modified or terminated except as provided herein.

18. SEVERABILITY. If any provision of this Agreement is found by a court of competent jurisdiction to be invalid, it shall be considered deleted here from, and shall not invalidate the remaining provisions.

19. GOVERNING LAW AND VENUE. This Agreement shall be governed by and interpreted according to the laws of the State of Florida. The Parties and their employees, agents, vendors and assigns shall comply with all applicable Federal, State and local laws, codes and regulations relating to the

performance of this Agreement. In the event legal action is taken regarding this Agreement, venue shall be in a court of competent jurisdiction in and for Lake County, Florida.

21 **COUNTERPARTS.** This Agreement may be executed in any number of counterparts each of which, when executed and delivered, shall be an original, but all counterparts shall together constitute one and the same instrument.

21 **APPROVALS.** The CITY will be responsible to apply for the appropriate COUNTY variances, permits, zoning approvals, site plan approval and building permits, in accordance with the applicable provisions in the Lake County Code and Land Development Regulations. If the CITY does not or is unable to obtain all required approvals within 6 months of the Effective Date this Agreement, this Agreement shall be deemed null and void.

22 **EFFECTIVE DATE.** This Agreement shall become effective upon the date the last party hereto executes it (“Effective Date”).

IN WITNESS WHEREOF, the parties hereto have made and executed this Interlocal Agreement on the respective dates under each signature: Lake County, through its Board of County Commissioners, signing by and through its Chairman, and by the City of Apopka, Florida, through its City Council, signing by and through its Mayor.

ATTEST:

LAKE COUNTY, FLORIDA through its
BOARD OF COUNTY COMMISSIONERS

Neil Kelly, Clerk
of the Board of County
Commissioners of Lake
County, Florida

Timothy I. Sullivan, Chairman

This ____ of _____, 2018.

Approved as to form and legality:

Melanie Marsh, County Attorney

ATTEST:

CITY OF APOPKA, FLORIDA

Linda F. Goff, City Clerk

Joe Kilsheimer, Mayor

This ____ day of _____, 2018.

Approved as to form and legality:

Cliff Shepard, City Attorney

ATTACHMENT A – Page 1 of 2
County Property

DESCRIPTION: (Official Records Book 3471, Page's 425 and 426)

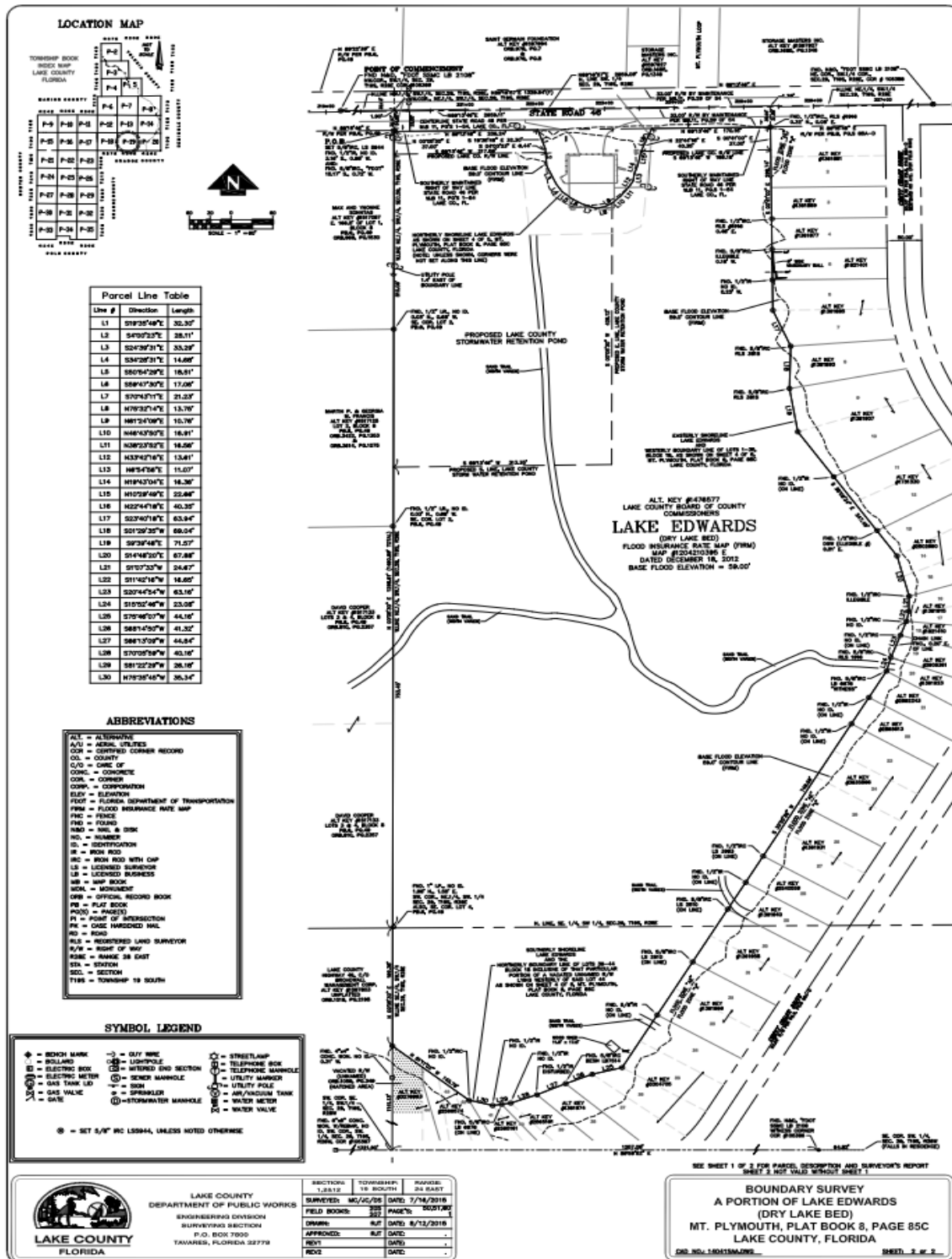
A Portion of Lake Edwards, Mt. Plymouth, according to the plat thereof as recorded in Plat Book 8, Pages 85 thru 85D, Public Records of Lake County, Florida.

More particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4, Section 29, Township 19 South, Range 28 East; thence North 89°16'57" East along the North line of said Southwest 1/4, a distance of 1329.54 feet to the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 29; thence departing said North line, South 00°05'30" West along the West line of the Northeast 1/4 of the Southwest 1/4 of said Section 29, a distance of 34.90 feet to a point on the Southerly maintained right of way line according to Map Book 11, Page's 1 thru 54, Lake County, Florida, said point also being the Point of Beginning; thence departing said West line, North 89°13'46" East along said Southerly maintained right of way line, a distance of 206.24 feet; thence departing said Southerly maintained right of way line, run along the Northerly shoreline of said Lake Edwards as shown on said Mt. Plymouth plat, the following sixteen (16) courses and distances; thence South 19°35'49" East, 32.30 feet; thence South 04°00'23" East, 28.11 feet; thence South 24°39'31" East, 33.29 feet; thence South 34°28'31" East, 14.68 feet; thence South 50°54'29" East, 18.51 feet; thence South 59°47'30" East, 17.06 feet; thence South 70°43'11" East, 21.23 feet; thence North 75°32'14" East, 13.75 feet; thence North 61°24'09" East, 10.76 feet; North 46°43'50" East, 16.91 feet; thence North 38°23'52" East, 16.56 feet; thence North 33°42'16" East, 13.61 feet; thence North 06°54'56" East, 11.07 feet; thence North 19°43'04" East, 16.36 feet; thence North 11°21'41" East, 22.66 feet; thence North 22°44'18" East, 40.35 feet to a point on said Southerly maintained right of way line; thence departing said Northerly shoreline, North 89°13'46" East, 170.15 feet to a point on the Westerly line of Block 18, of said Mt. Plymouth plat, said line also being the Easterly shoreline of said Lake Edwards; thence departing said Southerly maintained right of way line, run Southerly and Westerly along said Block 18, the following courses and distances; thence South 00°41'00" East, 298.74 feet to the Southwest corner of Lot 6; thence South 23°40'18" East, 63.94 feet to the Southwest corner of Lot 7; thence South 01°29'35" West, 69.04 feet to the Southwest corner of Lot 8; thence South 09°39'48" East, 71.57 feet to the Southwest corner of Lot 9; thence South 35°08'34" East, 247.49 feet to the Southwest corner of Lot 13; thence South 14°48'20" East, 67.88 feet to the Southwest corner of Lot 15; thence South 01°07'33" West, 24.67 feet to the Southwest corner of Lot 16; thence South 11°42'16" West, 16.65 feet to the Southwest corner of Lot 17; thence South 20°44'54" West, 63.16 feet to the Southwest corner of Lot 19; thence South 15°52'46" West, 23.08 feet to the Southwest corner of Lot 20; thence South 30°25'36" West, 749.59 feet to the Northwest corner of Lot 35; thence South 75°46'07" West, 44.16 feet to the Northwest corner of Lot 36; thence South 68°14'50" West, 41.32 feet to the Northwest corner of Lot 37; thence South 66°13'09" West, 44.84 feet to the Northwest corner of Lot 38; thence South 70°05'59" West, 40.16 feet to the Northwest corner of Lot 39; thence South 81°22'29" West, 26.18 feet to the Northwest corner of Lot 40; thence North 75° 35'45" West, 35.34 feet to the Northwest corner of Lot 41; thence North 51°11'02" West, 140.79 feet to a point on the West line of the Southeast 1/4 of the Southwest 1/4 of said Section 29; thence departing said Southerly shoreline of Lake Edwards and said Block 18, North 00°05'30" East, 192.38 feet to the Southwest Corner of the Northeast 1/4 of the Southwest 1/4 of said Section 29, said point also being the Southeast corner of Lot 4, Block 8 Caronel Acres, according to the plat thereof, as recorded in Plat Book 6, Page 49, Public Records of Lake County, Florida; thence continue North 00°05'30" East, 1298.61 feet along the East line of said Block 8, said line also being the West line of the Northeast 1/4 of the Southwest 1/4 of said Section 29, to the Point of Beginning.

Containing 870,951.16 square feet or 19.994 acres, more or less

ATTACHMENT A – Page 2 of 2 County Property



ATTACHMENT B
Location of Tower Site on County Property

{To be attached}

ATTACHMENT C
Site Plan



CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA
☒ PUBLIC HEARING
☐ SPECIAL REPORTS
☒ OTHER: Ordinance

MEETING OF: January 17, 2018
FROM: Community Development
EXHIBITS: Exhibit "A" – Summary
Ordinance No. 2621
Vicinity Map

SUBJECT: 2018 ANNEXATION – CYCLE NO. 1

REQUEST: ORDINANCE NO. 2621 – SECOND READING – VBRO ENTERPRISES, INC.

SUMMARY:

OWNER: VBRO Enterprises, Inc.
LOCATION: 41 East Lester Road
LAND USE: Refer to Exhibit "A"
EXISTING USE: Refer to Exhibit "A"
TRACT SIZE: 0.84 +/- acre

ADDITIONAL COMMENTS: Abutting current boundaries of the City of Apopka, the subject site is consistent with Florida Statutes addressing annexation of unincorporated lands into a municipality. The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. Assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on December 7, 2017.

DULY ADVERTISED:

December 15, 2017
January 5, 2018

PUBLIC HEARING SCHEDULE:

January 3, 2018 (1:30 pm) - City Council 1st Reading
January 17, 2018 (7:00 pm) - City Council 2nd Reading and Adoption

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

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for property owned by VBRO Enterprises, Inc.

The **City Council**, at its meeting on January 3, 2018, accepted the First Reading of Ordinance No. 2621, and held it over for Second Reading and Adoption on January 17, 2018.

Adopt Ordinance No. 2621.

EXHIBIT "A"
CITY OF APOPKA
2018 ANNEXATION CYCLE # 1

TOTAL ACRES: 1.11

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2621	1	VBRO Enterprises Inc.	41 East Lester Road	28-20-28-0000-00-018	0.84	Residential	Low Medium Density
2622	2	Roseville Farms, LLC	West Ponkan Road	19-20-28-0000-00-042	0.23	Vacant	Rural
2627	3	Kenney Harry Charles Mcallister Tr	3591 West Orange Blossom Trail	01-21-27-0000-00-001	0.04	Vacant	Planned Development

41

ORDINANCE NO. 2621

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY VBRO ENTERPRISES, INC. LOCATED AT 41 EAST LESTER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, VBRO Enterprises, Inc., owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at 41 East Lester Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida, as follows:

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **0.84 +/- acre**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

COMM SE COR OF SEC 28-20-28 TH RUN S87-59-49W 270 FT TH N01-45-16W 30 FT TO POB TH S87-59-49W 180 FT TH N01-45-16W 190 FT TH N80-05-34E 182.05 FT TH S01-45-16E 215 FT TO POB
(Parcel 06-21-28-7172-02-021, 41 East Lester Road) Containing 0.84 +/- acres.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

SECTION V: That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this

ORDINANCE NO. 2621

PAGE 2

ordinance.

SECTION VI: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: January 3, 2018

READ SECOND TIME
AND ADOPTED: January 17, 2018

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: December 15, 2017 and January 5, 2018

ANNEXATION
VBRO Enterprises, Inc.
41 East Lester Road

Exhibit "A"
Parcel ID No.: 28-20-28-0000-00-018
Total Acres: 0.84 +/-

VICINITY MAP





CITY OF APOPKA CITY COUNCIL

____ CONSENT AGENDA
X PUBLIC HEARING
____ SPECIAL REPORTS
X OTHER: Ordinance

MEETING OF: January 17, 2018
FROM: Community Development
EXHIBITS: Exhibit "A" – Summary
Ordinance No. 2622
Vicinity Map

SUBJECT: 2018 ANNEXATION – CYCLE NO. 1

REQUEST: ORDINANCE NO. 2622 – SECOND READING – ROSEVILLE FARMS, LLC

SUMMARY:

OWNER: Roseville Farms, LLC

LOCATION: West Ponkan Road; Parcel ID: 19-20-28-0000-00-042

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 0.23 +/- acre

ADDITIONAL COMMENTS: Abutting current boundaries of the City of Apopka, the subject site is consistent with Florida Statutes addressing annexation of unincorporated lands into a municipality. The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. Assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on December 7, 2017.

DULY ADVERTISED:

December 15, 2017
January 5, 2018

PUBLIC HEARING SCHEDULE:

January 3, 2018 (1:30 pm) - City Council 1st Reading
January 17, 2018 (7:00 pm) - City Council 2nd Reading and Adoption

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

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for property owned by Roseville Farms, LLC.

The **City Council**, at its meeting on January 3, 2018, accepted the First Reading of Ordinance No. 2622, and Held it Over for Second Reading and Adoption on January 17, 2018.

Adopt Ordinance No. 2622.

EXHIBIT "A"
CITY OF APOPKA
2018 ANNEXATION CYCLE # 1

TOTAL ACRES: 1.11

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2621	1	VBRO Enterprises Inc.	41 East Lester Road	28-20-28-0000-00-018	0.84	Residential	Low Medium Density
2622	2	Roseville Farms, LLC	West Ponkan Road	19-20-28-0000-00-042	0.23	Vacant	Rural
2627	3	Kenney Harry Charles Mcallister Tr	3591 West Orange Blossom Trail	01-21-27-0000-00-001	0.04	Vacant	Planned Development

41

ORDINANCE NO. 2622

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY ROSEVILLE FARMS, LLC, LOCATED AT WEST PONKAN ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Roseville Farms, LLC., owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at West Ponkan Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida, as follows:

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **0.23 +/- acre**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

BEG SW COR OF SW1/4 OF SE1/4 OF SEC LYING N OF R/W TH N 75 FT ALONE E
PONKAN PINES RD R/W TH E 300 FT M/L TO N PONKAN RD R/W TH 305 FT M/L
SWLY ALONG N PONKAN RD R/W TO POB IN SEC 19-20-28
(Parcel 19-20-28-0000-00-04, West Ponkan Road) Containing 0.23 +/- acres.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

SECTION V: That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this

ordinance.

SECTION VI: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: January 3, 2018

READ SECOND TIME
AND ADOPTED: January 17, 2018

Joseph E. Kilsheimer, Mayor

ATTEST:

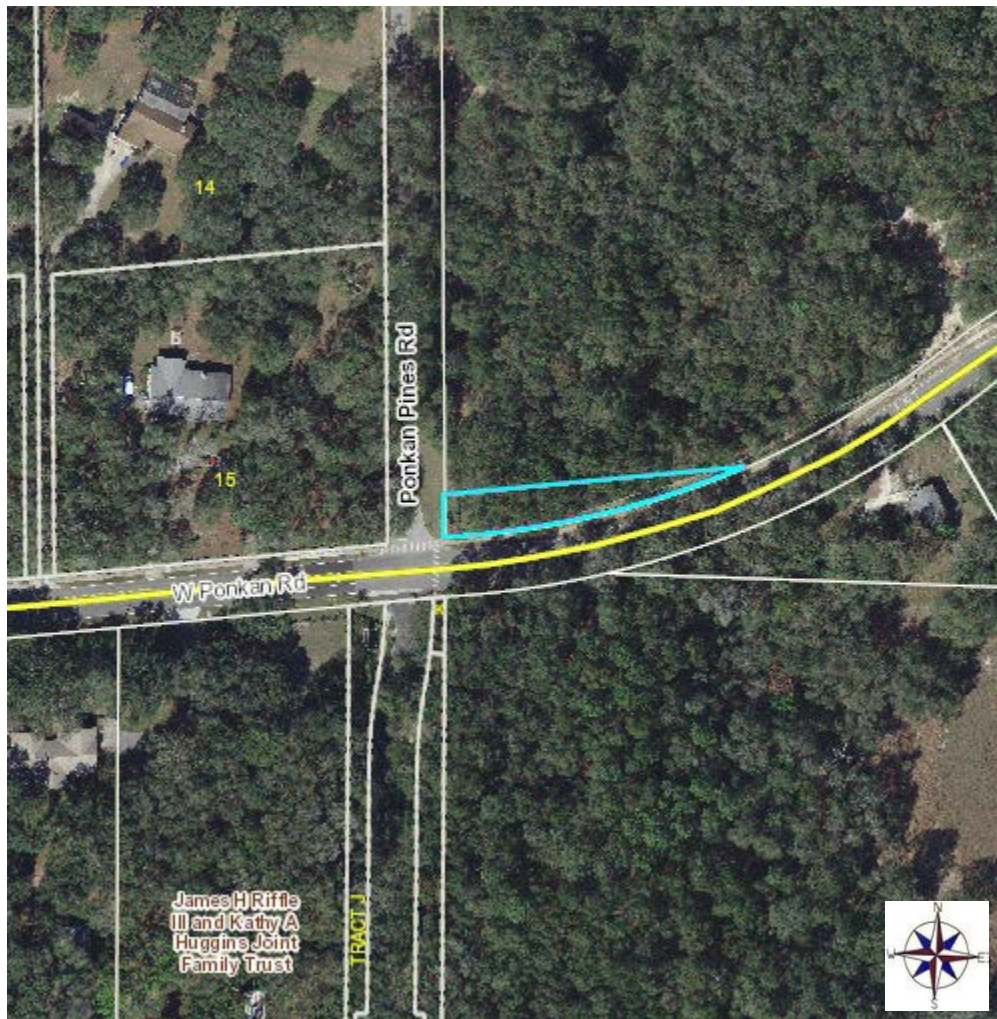
Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: December 15, 2017 and January 5, 2018

ANNEXATION
Roseville Farms, LLC
West Ponkan Road

Exhibit "A"
Parcel ID No.: 19-20-28-0000-00-042
Total Acres: 0.23 +/-

VICINITY MAP





CITY OF APOPKA CITY COUNCIL

____ CONSENT AGENDA
X PUBLIC HEARING
____ SPECIAL REPORTS
X OTHER: Ordinance

MEETING OF: January 17, 2018
FROM: Community Development
EXHIBITS: Exhibit "A" – Summary
Ordinance No. 2627
Vicinity Map

SUBJECT: 2018 ANNEXATION – CYCLE NO. 1

REQUEST: ORDINANCE NO. 2627 – SECOND READING – KENNEY HARRY
CHARLES MCALLISTER TR

SUMMARY:

OWNER: Kenney Harry Charles Mcallister Tr

LOCATION: 3591 West Orange Blossom Trail

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 0.04 +/- acre

ADDITIONAL COMMENTS: Abutting current boundaries of the City of Apopka, the subject site is consistent with Florida Statutes addressing annexation of unincorporated lands into a municipality. The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. Assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on December 7, 2017.

DULY ADVERTISED:

December 15, 2017
January 5, 2018

PUBLIC HEARING SCHEDULE:

January 3, 2018 (1:30 pm) - City Council 1st Reading
January 17, 2018 (7:00 pm) - City Council 2nd Reading and Adoption

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

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for property owned by VBRO Enterprises, Inc.

The **City Council**, at its meeting on January 3, 2018, accepted the First Reading of Ordinance No. 2627, and held it over for Second Reading and Adoption on January 17, 2018.

Adopt Ordinance No. 2627.

EXHIBIT "A"
CITY OF APOPKA
2018 ANNEXATION CYCLE # 1

TOTAL ACRES: 1.11

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2621	1	VBRO Enterprises Inc.	41 East Lester Road	28-20-28-0000-00-018	0.84	Residential	Low Medium Density
2622	2	Roseville Farms, LLC	West Ponkan Road	19-20-28-0000-00-042	0.23	Vacant	Rural
2627	3	Kenney Harry Charles Mcallister Tr	3591 West Orange Blossom Trail	01-21-27-0000-00-001	0.04	Vacant	Planned Development

ORDINANCE NO. 2627

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY KENNEY HARRY CHARLES MCALLISTER TR. LOCATED AT 3591 WEST ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Roseville Farms, LLC., owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at 3591 West Orange Blossom Trail; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida, as follows:

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **0.04 +/- acre**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

NE1/4 OF NW1/4 N OF HIWAY (LESS E 30 FT FOR RD & LESS ST RD) IN SEC 01-21-27
(Parcel 01-21-27-0000-00-001, 3591 West Orange Blossom Trail) Containing 0.04 +/- acres.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

SECTION V: That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the

validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION VI: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: January 3, 2018

READ SECOND TIME
AND ADOPTED: January 17, 2018

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: December 15, 2017 and January 5, 2018

ANNEXATION
Kenney Harry Charles Mcallister Tr
3591 West Orange Blossom Trail

Exhibit "A"
Parcel ID No.: 01-21-27-0000-00-001
Total Acres: 0.04 +/-

VICINITY MAP





MEETING OF: January 17, 2018
FROM: Community Development
EXHIBITS: Vicinity Maps
Utility Release Letters
Ordinance No. 2623
Survey/Legal Description

REQUEST: SECOND READING OF ORDINANCE NO. 2623 – VACATE - SHIRISH SUCHAK - VACATING A PORTION OF A UTILITY EASEMENT AT 1586 GOLFSIDE VILLAGE BOULEVARD.

OWNER/APPLICANT:	Belvedere Estates Inc., c/o Shirish Suchak (President)
LOCATION:	1586 Golfside Village Boulevard
LAND USE:	Residential Low (0-5 du/ac)
ZONING:	R-3
EXISTING USE:	Single-Family Residence
AREA TO BE VACATED:	6-foot wide platted utility easement located in the rear of 1586 Golfside Village Boulevard

Direction	Land Use	Zoning	Present Use
North - City	Residential Low (0-5 du/ac)	R-3	Single Family Residence
East - City	Residential Low (0-5 du/ac)	R-3	Single Family Residence
South - City	Parks/Recreation	PR	Golf Course
West - City	Residential Low (0-5 du/ac)	R-3	Single Family Residence

Public Services Director
Recreation Director
City Clerk
Fire Chief

CITY COUNCIL – JANUARY 17, 2018
SHIRISH SUCHAK - VACATE
PAGE 2

ADDITIONAL COMMENTS: In order to extend their existing deck, the applicants are seeking to vacate an existing 6-foot wide utility easement located in the rear yard of the subject property. The portion of the easement that will be vacated is described below. Vacating this portion of the utility easement will not affect any abutting property owners. Abutting property owners of 1578, 1582 and 590 Golfside Village Boulevard have sent a notice to the Community Development Department that they have no objection to this request.

Our Public Services department has evaluated the site and has agreed to the vacate request. Additionally, all local utility providers have been contacted by the applicant and have provided the letters received from each utility provider indicating no objection to this vacate request.

PUBLIC HEARING SCHEDULE:

January 3rd, 2018 - City Council - 1st Reading (1:30 p.m.)

January 17th, 2018 - City Council - 2nd Reading (7:00 p.m.)

DULY ADVERTISED:

December 15, 2017 - Public Hearing Notice

January 5, 2018 - Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the request by the City of Apopka to vacate the 6-feet wide rear yard utility easement way as described in the legal description.

The **City Council**, at its meeting on January 3, 2018, accepted the First Reading of Ordinance No. 2623 and held it over for Second Reading and Adoption on January 17, 2018.

Adopt Ordinance No. 2623.



Shirish Suchak
Proposed Vacate of Existing (6-foot wide) Utility Easement
1586 Golfside Village Boulevard
Parcel ID: 32-20-28-2536-00-650

VICINITY MAP



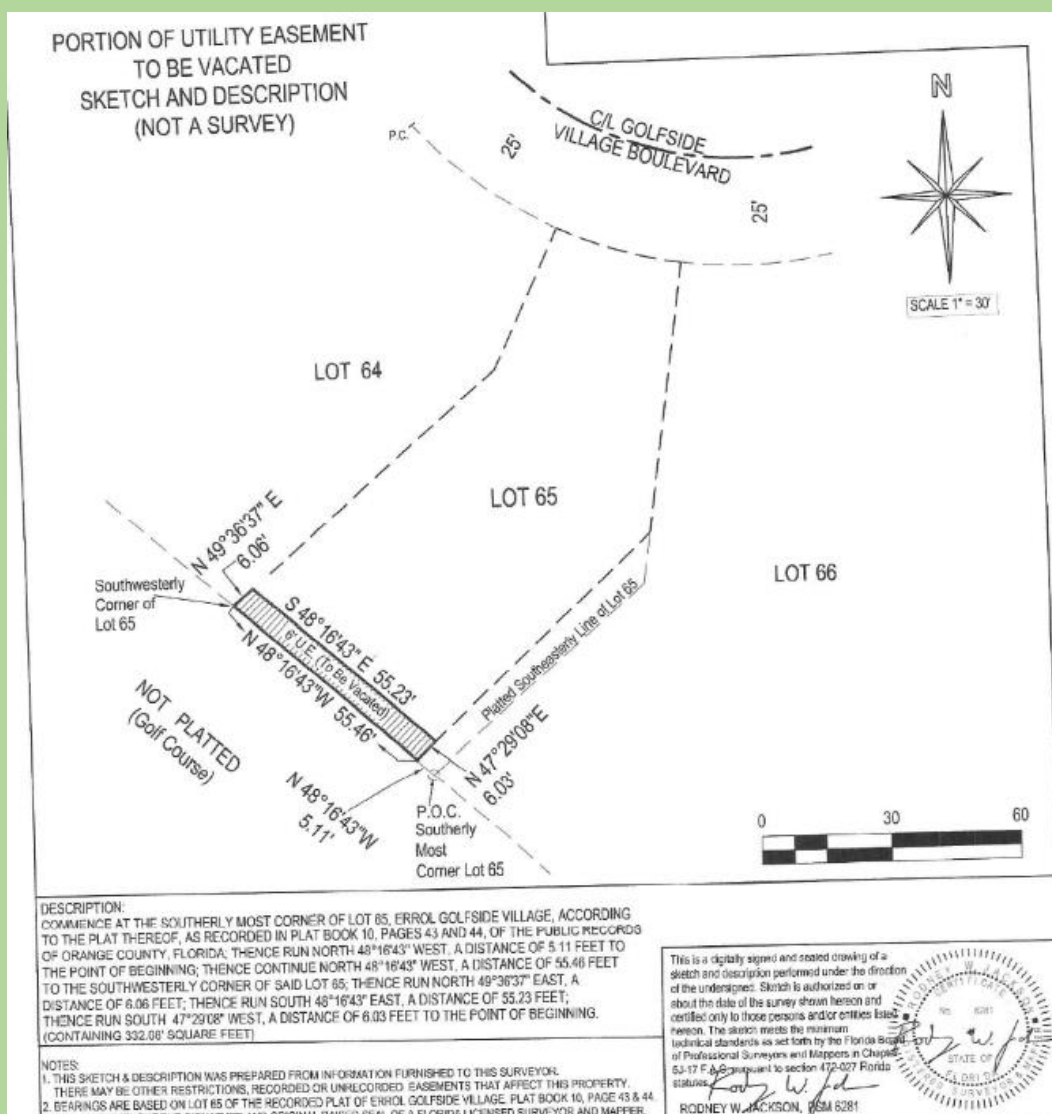
Subject Property

CITY COUNCIL – JANUARY 17, 2018
SHIRISH SUCHAK - VACATE
PAGE 4

Legal Description:

COMMENCE AT THE SOUTHERLY MOST CORNER OF LOT 65, ERROL GOLFSIDE VILLAGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGES 43 AND 44, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 48°16'43" WEST, A DISTANCE OF 5.11 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 48°16'43" WEST, A DISTANCE OF 55.46 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 65; THENCE RUN NORTH 49°36'37" EAST, A DISTANCE OF 6.06 FEET; THENCE RUN SOUTH 48°16'43" EAST, A DISTANCE OF 55.23 FEET; THENCE RUN SOUTH 47°29'08" WEST, A DISTANCE OF 6.03 FEET TO THE POINT OF BEGINNING.

(CONTAINING 332.08' SQUARE FEET)





October 27, 2017

Shirish Suchak
c/o Belvedere Estates Inc.
3141 Trafalgar Heights
Montreal Qc H3Y-1H2
Canada

RE: **Encroachment: 6 Foot Rear Lot Utility Easement dedicated by Orange County, ERROL GOLFSIDE VILLAGE, Plat Book 10, Page 43**

Dear Mr. Suchak:

Please be advised that the Distribution and Transmission divisions of Duke Energy do not object to the encroachment request to the placement of a Deck made of wood material along the

6 Foot Rear Lot Utility Easement on the below described property:

LOT 65, ERROL GOLFSIDE VILLAGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGES 43 AND 44, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

LESS AND EXCEPT:

BEGINNING AT THE SOUTHERLY MOST CORNER OF LOT 65; RUN NORTH 48 DEGREES 16 MINUTES 43 SECONDS WEST, A DISTANCE OF 5.11 FEET; THENCE RUN NORTH 47 DEGREES 29 MINUTES 08 SECONDS EAST A DISTANCE OF 75.53 FEET; THENCE RUN SOUTH 08 DEGREES 46 MINUTES 46 SECONDS WEST A DISTANCE OF 12.02 FEET; THENCE RUN SOUTH 49 DEGREES 36 MINUTES 37 SECONDS A DISTANCE OF 65.58 FEET TO THE POINT OF BEGINNING.

Parcel ID: 32-20-28-2536-00-650

Accordingly, Duke Energy shall consent to your encroachment and to the placement of wood decking so long as such encroachment does not constitute a violation of the National Electric Safety Code nor interfere with Duke Energy's use of the easement area.


This letter shall not constitute a waiver of Duke Energy's rights under the easement with respect to the encroachment. Should future use of the easement area by Duke Energy pursuant to the easement result in the encroachment constituting either a National Electric Safety Code violation or an interference with Duke Energy's use of the easement area, a removal or relocation of the encroachment within the easement area may be necessary.

Please contact me at 407-942-2541 or Katherine.Lopez@Duke-Energy.com with any questions you may have regarding this issue.

Best regards,

Katherine Lopez

Katherine Lopez
Research Support Specialist I
Distribution Right of Way - Florida



CenturyLink™

October 11, 2017

LETTER OF NO OBJECTION

David B. Moon
City of Apopka
120 E. Main Street 2nd Floor
Apopka Florida 32703

Via Email: DMoon@apopka.net
Copied to: david.r.brynes@centurylink.com; s.suchak@elkayfinance.com

SUBJECT: PROPOSED VACATE OF A 6 FEET WIDE PLATTED UTILITIES EASEMENT LOCATED ALONG THE REAR LOT LINE OF LOT 65, ACCORDING TO ERROL GOLFSIDE VILLAGE PLAT, AS RECORDED IN PLAT BOOK 10, PAGES 43 AND 44, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; ORANGE COUNTY PARCEL ID 32-20-28-2536-00-650. PRN 793389

Dear Mr. Moon,

Please be advised that **Embarq Florida, Inc., D/B/A Centurylink** has no objection to the proposed vacate and abandonment of a 6 Feet wide platted Utilities Easement located along the rear lot line of Lot 65, less and except:

BEGINNING AT THE SOUTHERLY MOST CORNER OF LOT 65; RUN NORTH 48°16'43" WEST, A DISTANCE OF 5.11 FEET; THENCE RUN NORTH 47°29'08" EAST A DISTANCE OF 75.53 FEET; THENCE RUN SOUTH 08°46'46" WEST A DISTANCE OF 12.02 FEET; THENCE RUN SOUTH 49°36'37" A DISTANCE OF 65.68 FEET TO THE POINT OF BEGINNING.

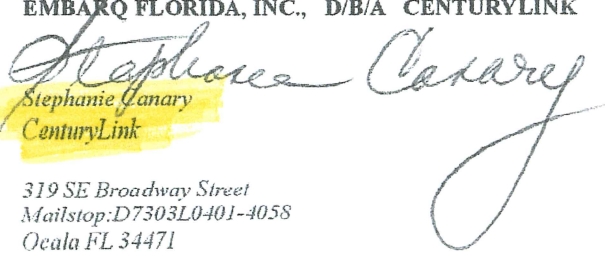
according to **Errol Golfside Village** plat, as recorded in Plat Book 10, Pages 43 and 44, of the Public Records of Orange County, Florida, as requested by **Shirish Suchak**.

The location of said vacate is more particularly shown on the attached sketch. The Property Address is 1586 Golfside Village Boulevard, Apopka, Florida 32712 and the Orange County Parcel ID is 32-20-28-2536-00-650.

Should there be any questions or concerns, please contact me at 352-425-8763 or by email at stephanie.canary@centurylink.com.

Sincerely,

EMBARQ FLORIDA, INC., D/B/A CENTURYLINK



Stephanie Canary
CenturyLink

319 SE Broadway Street
Mailstop:D7303L0401-4058
Ocala FL 34471
stephanie.canary@centurylink.com
Phone:Cell:(352) 425-8763
Fax: (352) 368-8889

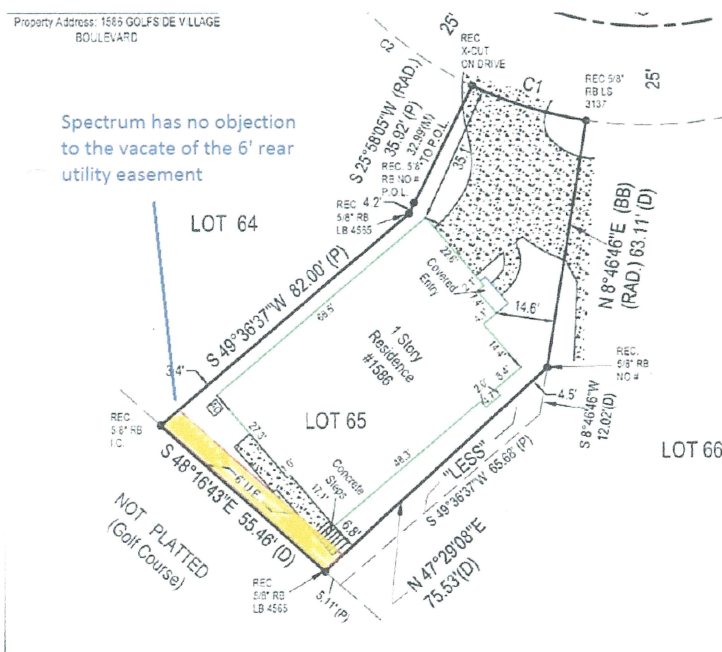
PRN 793389

Charter
Spectrum▶

Shirish Suchak
1586 Golfside Village Blvd
Apopka, Fl. 32712

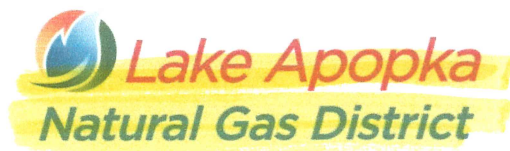
Dear Mr. Suchak:
Charter Spectrum has reviewed your request to vacate the 6ft rear easement and have no objection to the vacation as shown in this drawing below.

Spectrum has no objection to the vacate of the 6' rear utility easement



Tracey Domostoy

Cc: E-maileds.suchak@elkayfinance.com



1320 Winter Garden-Vineland Rd. Winter Garden, Florida 34787
P: 407.656.2734 F: 407.656.9371 | www.langd.org

October 3, 2017

Mr. Suchak,

Upon review of our records, the subject parcel 1586 Golfside Village Blvd, Apopka (Lot #65) is within our service area. We do not have any facilities within easement/right of way. We do not have any objection to the vacation.

Sincerely,

A handwritten signature in black ink, appearing to be "Antonio Gibson", with a long horizontal line extending to the right.

Antonio Gibson
GIS Coordinator

ORDINANCE NO. 2623

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 1586 GOLFSIDE VILLAGE BOULEVARD; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to provisions of Florida Statutes, Section 336.10, a Petition has been filed by Shirish Suchak, President of Belvedere Estates, Inc., to vacate, abandon, discontinue, renounce and disclaim a portion of an existing utility easement located at 1586 Golfside Village Boulevard, as shown in Exhibit "A"; and

WHEREAS, CenturyLink (f/k/a Embarq), Duke Energy, Charter Spectrum Communications and Lake Apopka Natural Gas District have no objection to the abandonment of a portion of the existing utility easement; and

WHEREAS, the City Council has determined that under the proposed circumstances there exists no public need for this existing easement; and

WHEREAS, after public notice in accordance with Florida Statute 336.10, the City Council has determined that it is not contrary to public interest to vacate and abandon said existing easement.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Apopka, Florida, as follows:

Section 1. That the following lands, and graphically depicted by the attached Exhibit "A," shall be officially closed, discontinued, and vacated:

Legal Description:

COMMENCE AT THE SOUTHERLY MOST CORNER OF LOT 65, ERROL GOLFSIDE VILLAGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGES 43 AND 44, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 48°16'43" WEST, A DISTANCE OF 5.11 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 48°16'43" WEST, A DISTANCE OF 55.46 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 65; THENCE RUN NORTH 49°36'37" EAST, A DISTANCE OF 6.06 FEET; THENCE RUN SOUTH 48°16'43" EAST, A DISTANCE OF 55.23 FEET; THENCE RUN SOUTH 47°29'08" WEST, A DISTANCE OF 6.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 332.08' SQUARE FEET, MORE OR LESS

Section II. NOTICE. That notice of the adoption of this Ordinance be published and the Ordinance be filed with the Clerk of the Circuit Court of Orange County, Florida, and duly recorded among the Public Records of Orange County, Florida.

Section III. SEVERABILITY. That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this Ordinance.

Section IV. CONFLICT. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section V. EFFECTIVE DATE. That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: _____

READ SECOND TIME
AND ADOPTED: _____

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford Shepard, Esq., City Attorney

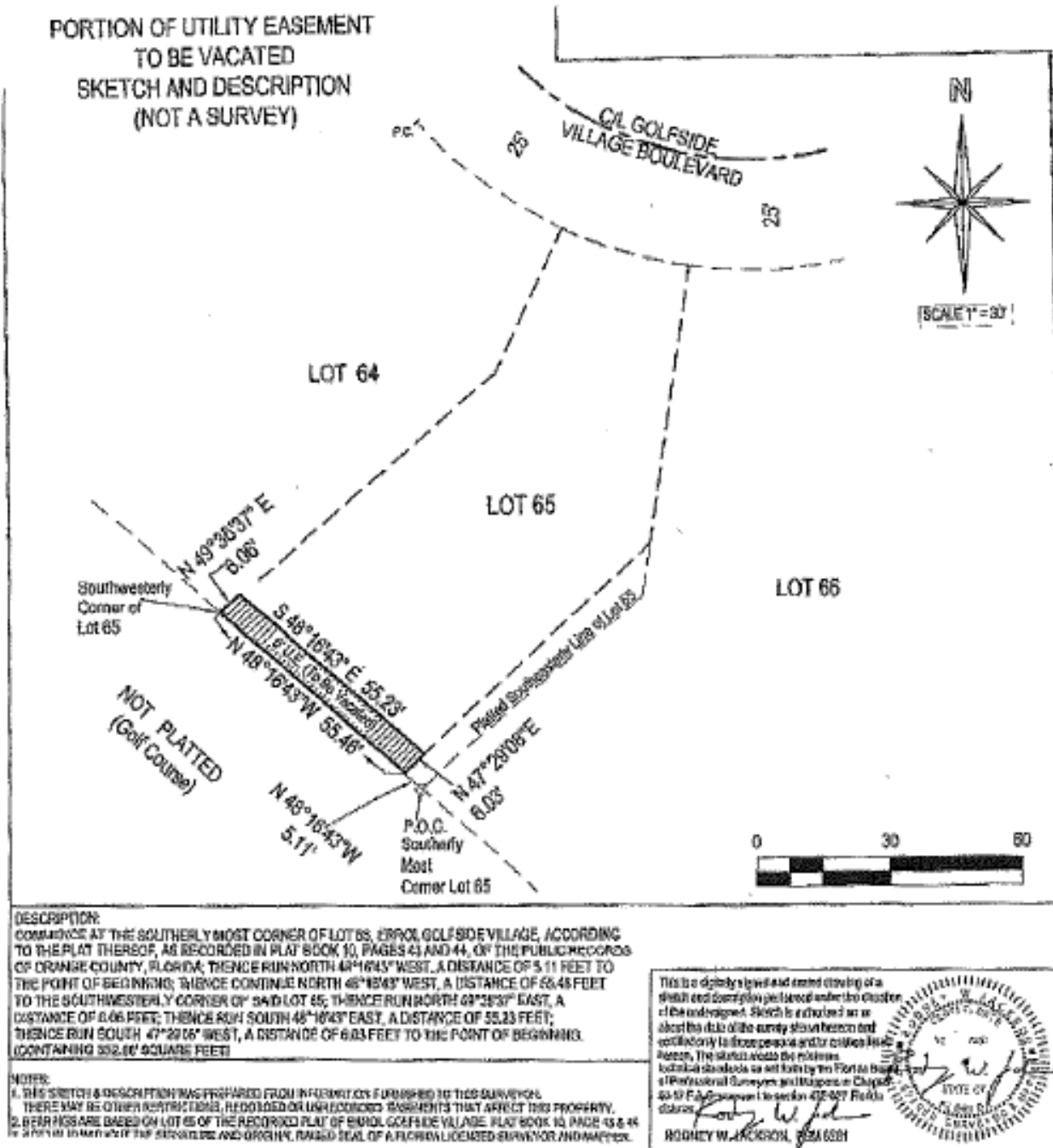
DULY ADVERTISED FOR PUBLIC HEARING: December 15, 2017 and January 5, 2018

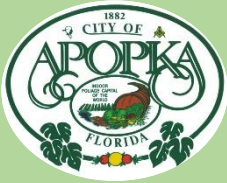
ORDINANCE NO. 2623
EXHIBIT "A"

Belvedere Estates, Inc./Shirish Suchak (President)
Proposed Vacate of Existing Utility Easement
1586 Golfside Village Boulevard
Parcel ID: 32-20-28-2536-00-650

VICINITY MAP







CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA
☒ PUBLIC HEARING
☐ SPECIAL REPORTS
☒ OTHER: Ordinance

MEETING OF: January 17, 2018
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses
Ordinance No. 2617

SUBJECT: ORDINANCE NO. 2617 – COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – LAURA R. MURPHY (MURPHY EQUESTRIAN CENTER)

REQUEST: ORDINANCE NO. 2617 – FIRST READING - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – LAURA R. MURPHY (MURPHY EQUESTRIAN CENTER) FROM AGRICULTURE (1 DU/5 AC) TO RESIDENTIAL LOW SUBURBAN (0-3.5 DU/AC); AND AUTHORIZE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

SUMMARY:

OWNERS: Laura Murphy
APPLICANT: AVEX Homes, c/o Eric Wills
LOCATION: 359 W. Lester Road
PARCEL ID #: 28-20-28-0000-00-060
EXISTING USE: Equestrian Center
DEVELOPMENT POTENTIAL: Single Family Homes (est. 52 residential units)
CURRENT ZONING: Agriculture
PROPOSED ZONING: R-1 (Single Family Residential)
MAXIMUM ALLOWABLE DEVELOPMENT UNDER FLUM/ZONING: EXISTING: 1 D/U
PROPOSED: 69 Single Family Homes
TRACT SIZE: +/- 19.94

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

ADDITIONAL COMMENTS: The applicant intends to use the subject properties for a residential community with detached, single-family homes. Presently the subject property is assigned an Agriculture future land use designation and Agriculture zoning.

The proposed Large Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Low Suburban is as compatible or more compatible with the character of the existing land use in the vicinity. While the adjacent uses are agriculture-oriented, including the Avian Reconditioning Center to the east, subdivisions and vacant properties in all four cardinal directions have a future land use designation of Residential Low Suburban.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Residential Low Suburban Future Land Use Designation.

SCHOOL CAPACITY REPORT: School capacity determination must be completed with Orange County Public Schools prior to the adoption hearing for this Future Land Use Amendment application.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify before any public hearing or advisory board. The City properly notified Orange County on November 27, 2017.

PUBLIC HEARING SCHEDULE:

January 9, 2018 - Planning Commission (5:30 pm)

January 17, 2018 - City Council (7:00 pm) - 1st Reading & Transmittal

DULY ADVERTISED:

December 22, 2017 – ¼ Page w/Map Ordinance Heading Ad (Apopka Chief, Letters, Property Posting)

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends transmittal of the change in Future Land Use from Agriculture to Residential Low Suburban Density for the property owned by Laura Murphy.

The **Planning Commission**, at its meeting on January 9, 2018, found the Residential Low Suburban Future Land Use Designation consistent with the Comprehensive Plan and character of the surrounding area; and unanimously recommended a change in Future Land Use Designation to Residential Low Suburban for the property owned by Laura Murphy.

Recommended Motion: Accept the First Reading of Ordinance 2617 and authorize transmittal to the Florida Department of Economic Opportunity.

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.

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	“County” Low Density Residential	“County” A-1	Woodlands
East (City)	“City” Agriculture	“City” AG	Bird Reconditioning Center
South (City and County)	“City” Residential Low & “County” Low Medium Density Residential	“City” R-2 & “County” A-2	Single Family Homes
West (County)	“County” Low Density Residential	“County” A-1	Greenhouse

II. LAND USE ANALYSIS

The applicant intends to develop the property as a single family home community. Predominant existing land uses and assigned zoning in the abutting and surrounding area are institutional, single family residential and agricultural.

North: Abutting the subject property to the north are woodlands. Ponkan Road is an estimated 0.7 miles north.

West: West of the subject property are horticulture sites. Across the street from Vick Road are the Errol Estates and Spring Ridge subdivisions.

East: To the east of the property is the Avian Reconditioning Center. Rock Springs Road is an estimated 0.6 miles east.

South: Single family homes on large lots are south-adjacent to the subject property. The Rock Springs subdivision is southwest and the Rock Springs/Palm Isle Mobile Home Park is southwest.

The proposed future land use designation of Residential Low Suburban is consistent with the surrounding future land use designations and anticipated future development in the surrounding area. At the intersection of Rock Springs Road and Lester Road, a single family residential development (Raulerson/Pumphrey’s Properties) is being reviewed by the City Boards. Staff supports the proposed future land use designation.

Other Information:

Wekiva River Protection Area: No

Area of Critical State Concern: No

DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on September 25, 2017.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basin Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there is a potential karst feature on this property.

Analysis of the character of the Property: The property has access to Lester Road to the south. Currently, the property is used as an equestrian center with multiple stables and fenced areas.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the subject site is Residential Low Suburban (0 – 3.5 du/ac) and currently has a designation of Agriculture. A change to a residential land use of Residential Low Suburban will generate an estimated population increase up to 183 persons. Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population but a housing supply is needed to meet the growing population.

CALCULATIONS:

ADOPTED: Agriculture (1 du/ 5 ac)

EXISTING: Agriculture – (1 du/ 5 ac x 19.94 ac = max 3 units x 2.659 = 7 persons)

PROPOSED: Residential Low Suburban: 3.5 du/ac x 19.94 ac = max 69 units x 2.659 = 183 persons

Net Increase: + 183 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan. The amendment will allow for additional housing to accommodate anticipated population growth projected by the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments ten (10) acres or more in size. This site is greater than ten acres. A habitat study will be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan. Access to the site occurs from W. Lester Road.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the City of Apopka service area for potable water, reclaimed water and sanitary service.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 GPD/Capita ; 81 GPD / Capita

If the site is not currently served, please indicate the designated service provider:

2. Projected total demand under existing designation: 588 GPD
3. Projected total demand under proposed designation: 13,524 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita

6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment:
None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 177 GPD/Capita ; 177 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 630 GPD
3. Projected total demand under proposed designation: 14,490 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD / Capita
6. Projected LOS under proposed designation: 177 GPD / Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment:
None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 28 lbs / day
4. Projected LOS under proposed designation: 732 lbs / day
5. Improved/expansions already programmed or needed as a result of the proposed amendment:
None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 9.353 MGD

Total design capacity of the water treatment plant(s): 33.696 MGD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year – 24 hour design storm
3. Projected LOS under proposed designation: 100 year – 24 hour design storm
4. Improvement/expansion: On site retention / detention ponds

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.021 acres
3. Projected facility under proposed designation: 0.549 acres

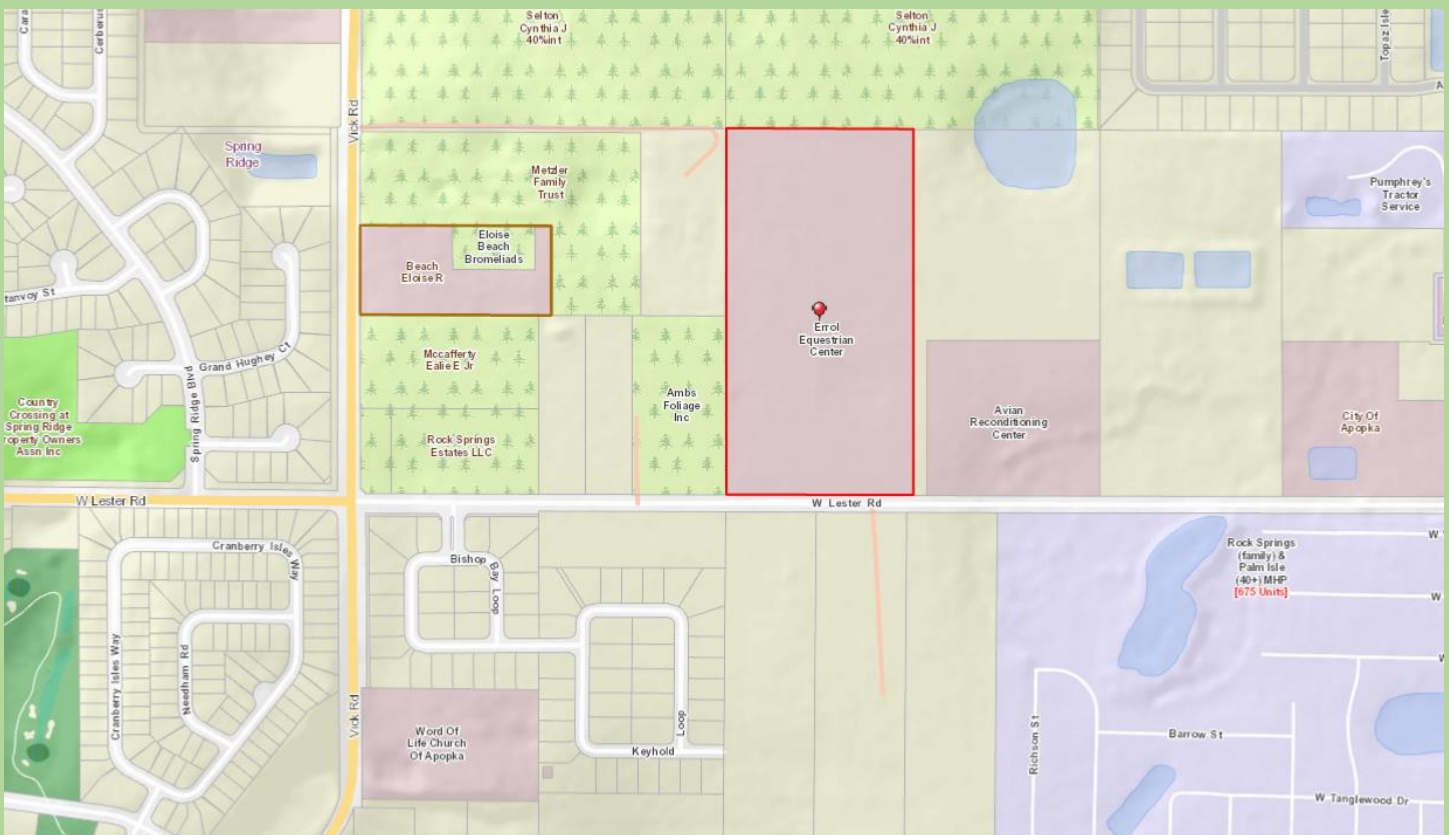
Improvement/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.



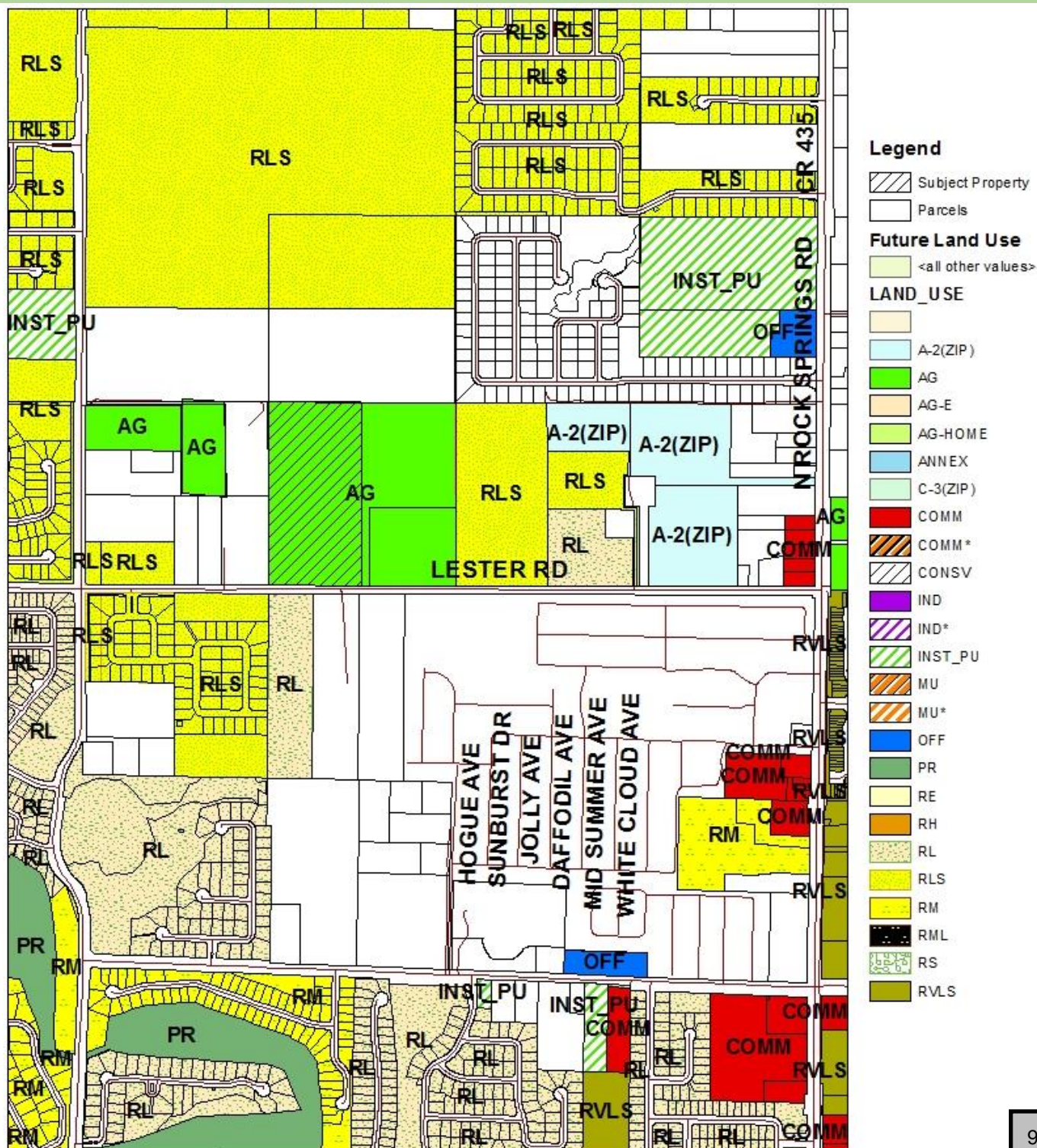
Laura Murphy, Property Owner
+/- 19.94
Proposed Large Scale Future Land Use Amendment:
From: Agriculture (1 D/U per 5 ac)
To: Residential Low Suburban (0-3.5 du/ac)
Parcel ID # 28-20-28-0000-00-060:

VICINITY MAP



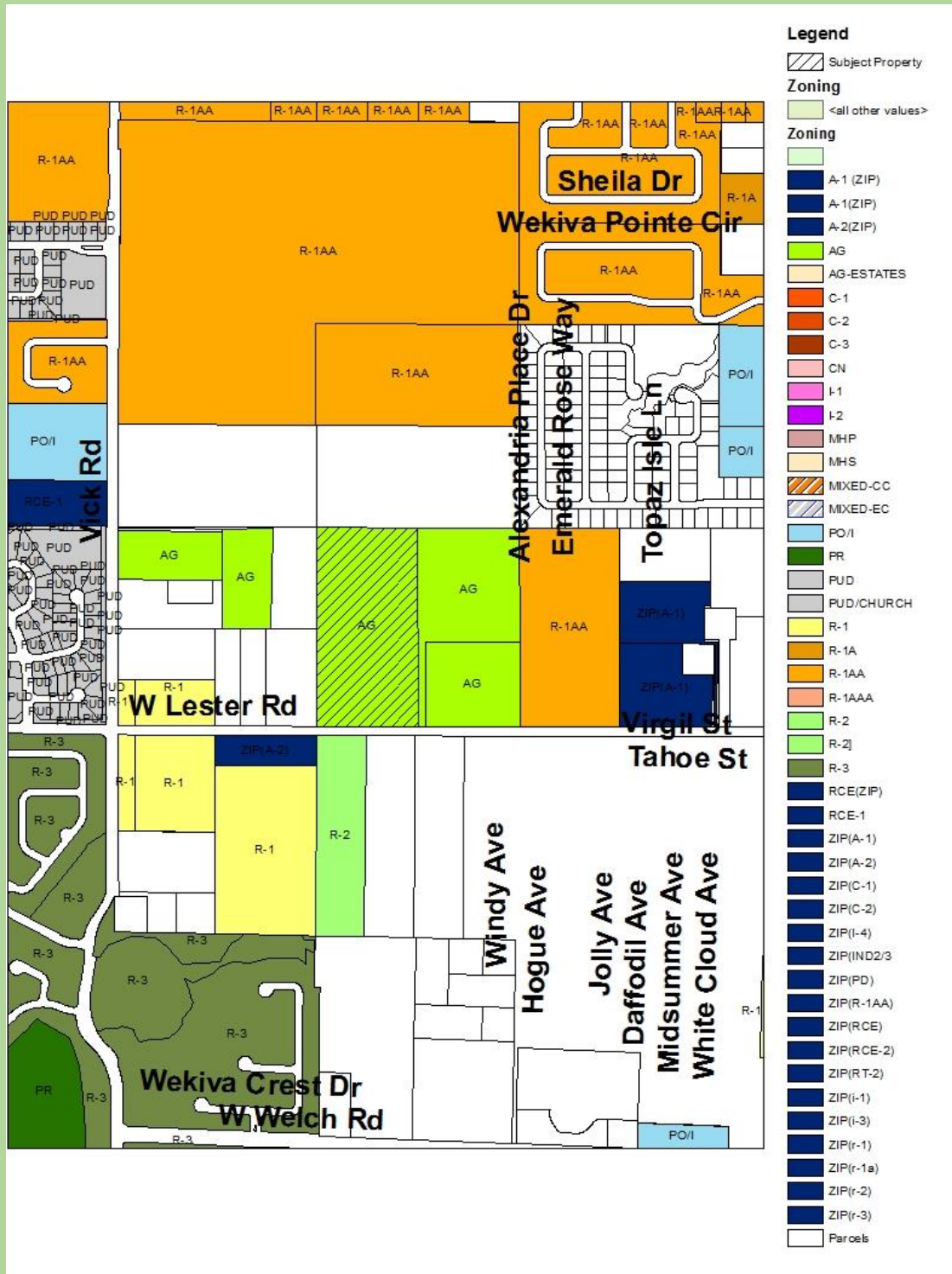


FUTURE LAND USE MAP





ADJACENT ZONING



[illegible]

ORDINANCE 2617

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM AGRICULTURE TO RESIDENTIAL LOW SUBURBAN (0-3.5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 359 WEST LESTER ROAD, OWNED BY LAURA R. MURPHY; COMPRISING 19.94 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka, Florida, on October 2, 1991 adopted Ordinance No. 653 which adopted the Comprehensive Plan for the City of Apopka; and

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2606, adopted December 20, 2017; and

WHEREAS, the City of Apopka's Local Planning Agency and the City Council have conducted the prerequisite advertised public hearings, as per Chapter 163, Florida Statutes, relative to the transmittal and adoption of this ordinance and the requirements for amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida, as follows:

SECTION I: The City of Apopka hereby amends the Future Land Use Element of the adopted Comprehensive Plan as follows:

The Future Land Use Map is hereby amended and replaced in its entirety by Exhibit "A" of this Ordinance, and incorporated herein by reference.

SECTION II: This Ordinance shall become effective following adoption and upon issuance by the Department of Community Affairs or the Administration Commission, as may be applicable, a final order finding the amendment to be in compliance in accordance with Chapter 163.3184.

SECTION III: If any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION IV: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION V: This Ordinance shall become effective upon issuance of a final order by the Florida Department of Economic Opportunity finding the plan amendment in compliance in accordance with s.163.3184 (2)(a), Florida Statute.

ORDINANCE NO. 2617
PAGE 2

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this
____ day of _____, 2018.

READ FIRST TIME: January 17, 2018

READ SECOND TIME
AND ADOPTED: _____

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: December 29, 2017



EXHIBIT "A"

Ordinance No. 2617

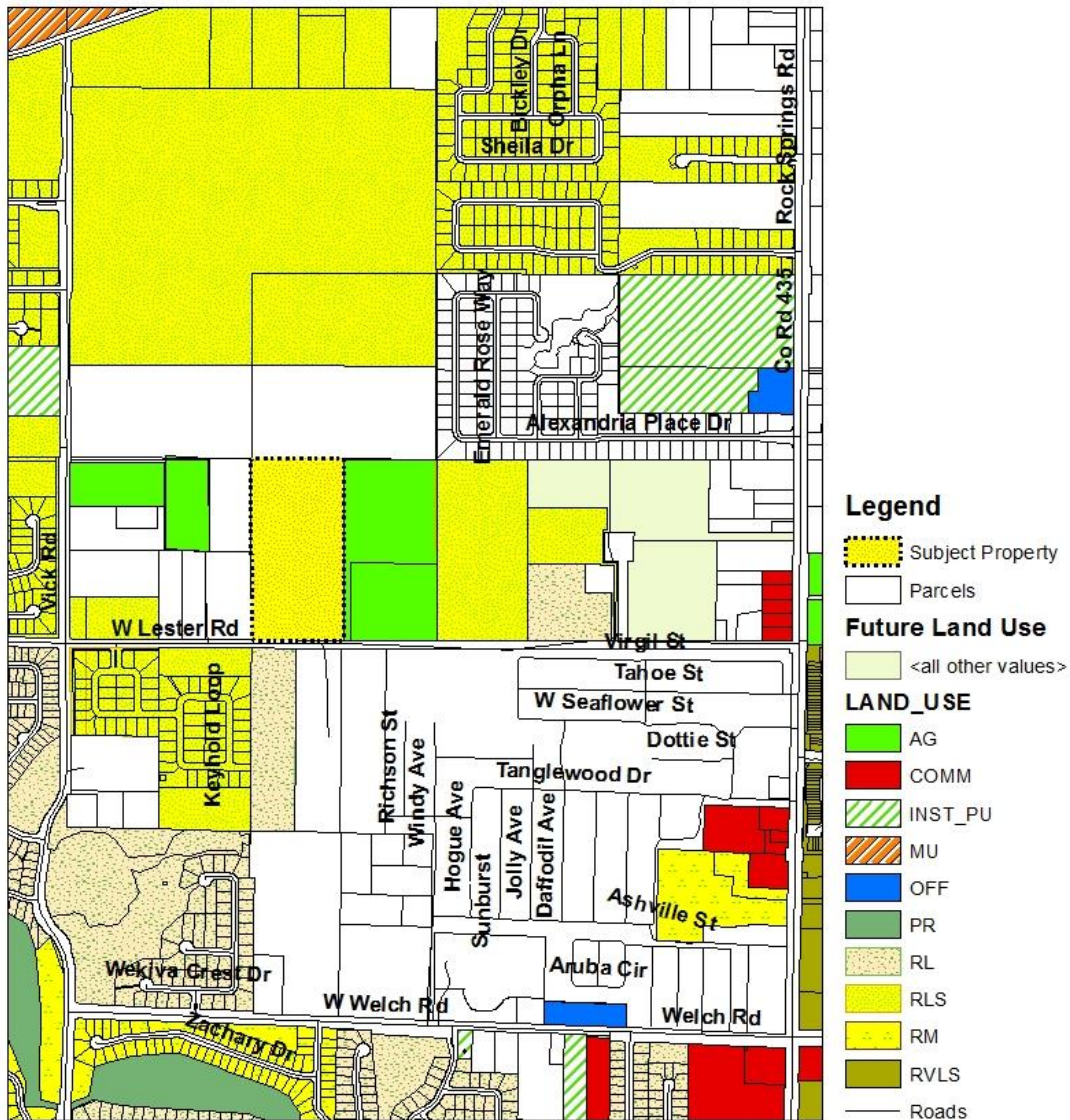
Linda R. Murphy, Property Owner
19.94 +/- Acres

Proposed Large Scale Future Land Use Amendment:

From: Agriculture (1 du\ 5 ac max)

To: "Residential Low Suburban (0 – 3.5 du/ac)

Parcel ID #s: 28-20-28-0000-00-060





CITY OF APOPKA CITY COUNCIL

____ CONSENT AGENDA
X PUBLIC HEARING
____ SPECIAL REPORTS
X OTHER: Ordinance

MEETING OF: January 17, 2018
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2619

SUBJECT: ORDINANCE NO. 2619 – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – ZELLWOOD PROPERTIES, LLC

REQUEST: FIRST READING OF ORDINANCE NO. 2619 – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – ZELLWOOD PROPERTIES, LLC FROM “COUNTY” RURAL (1 DU/10 AC) TO “CITY” COMMERCIAL (MAX. 0.25 FAR); AND HOLD OVER FOR SECOND READING & ADOPTION.

SUMMARY:

OWNER: Zellwood Properties, LLC

APPLICANT: Tannath Design, Inc.

LOCATION: North of S.R 441 and West of Hermit Smith Rd.

PARCEL ID NUMBER: 36-20-27-0000-00-024

EXISTING USE: Vacant

CURRENT ZONING: “County” A-1 (ZIP)

PROPOSED DEVELOPMENT: Convenience Market w/ Automobile Fuel Sales

PROPOSED ZONING: “City” PUD (Note: this Future Land Use amendment request is being processed along with a request to change the zoning classification from “County” A-1 (ZIP) to “City” PUD (Planned Unit Development).

TRACT SIZE: 2.45 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: Single Family Residence
PROPOSED: Up to 26,681 sq. ft. convenience store\automobile fuel sales

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

ADDITIONAL COMMENTS: The subject parcel was annexed into the City of Apopka on June 20, 2012, through Ordinance 2262. Presently, the subject property does not have a “city” future land use designation or “city” zoning classification assigned. The applicant requests a future land use designation of “city” Commercial.

COMPREHENSIVE PLAN COMPLIANCE: The proposed use of the property is consistent with the Commercial Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support a Commercial FLUM designation at the subject site:

Future Land Use Element

1. **Policy 3.1.i**

Commercial

Primary uses shall be for business, commerce, and convenience shopping which may be neighborhood or community oriented. The maximum floor area ratio shall be .25 gross floor area. Institutional land uses of less than five acres; and public facilities or utilities of less than five acres. Planned Unit Development uses may include: (Policy 3.1.i)

1. All primary uses
2. All Special Exception uses
3. Multifamily Development of up to fifteen dwelling units per acre, when located within a primary use structure
4. Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

SCHOOL CAPACITY REPORT: Because this request represents a change to a non-residential future land use designation and zoning classification, school capacity determination by Orange County Public Schools is not required.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on November 27th.

PUBLIC HEARING SCHEDULE:

January 9, 2018- Planning Commission (5:30 pm)

January 17, 2018- City Council (7:00 pm) - 1st Reading

February 7, 2018 – City Council (1:30 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

December 29, 2017 – Public Notice and Notification

January 26, 2018 – Ordinance Heading & Public Notice ¼ Page Ad w/Map

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval for a change in Future Land Use from “County” Rural to “City” Commercial for the property owned by Zellwood Properties, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on January 9, 2018, found the Commercial FLUM Designation to be compatible with the character of the surrounding area and consistent with the Comprehensive Plan; and by a vote of (6/1) recommended approval of the change in Future Land Use from “County” Rural to “City” Commercial for the property owned by Zellwood Properties, subject to the information and findings in the staff report.

Accept the First Reading of Ordinance 2619 and Hold it Over for Second Reading and Adoption on February 7, 2017.

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.

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (1 D/U per 10 Acres)	“County” A-1	Vacant
East (City)	Annex	“City” A-1 (ZIP)	Vacant
South (County)	Rural (1 D/U per 10 Acres)	“County” C-3 & R-3	Single-family homes
West (County)	Rural (1 D/U per 10 Acres)	“County” A-1	Vacant

The concept plan shows proposed accesses on S.R. 441 and Hermit Smith Road.

II. LAND USE ANALYSIS

The subject property is located on a site that is ideal for commercial use, which makes the request for a Commercial future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Properties to the south and west are developed as existing single-family homes, which properties to the east and north are vacant, but have a future land use designation and zoning classification that permit single-family residential.

The proposed Residential Low Suburban future land use designation is consistent with the general future land use character of the surrounding area.

Wekiva River Protection Area: No
Area of Critical State Concern: No
DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Northern Area” of the JPA. The proposed FLUM Amendment request for a change from “County” Rural (0-10 du/ac) to “City” Commercial (Max. 0.25 FAR) is consistent with the terms of the JPA (Second Amendment). Tannath Design, Inc., is the applicant of the proposed future land use amendment and proposed change of zoning for the Property, and has been notified of the hearing schedule.

Transportation: Road access to the site is from West Orange Blossom Trail to the South and Hermit Smith Road to the East.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are karst features in the vicinity of this property.

Analysis of the character of the Property: The current use of the Property is vacant and heavily wooded.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on June 20, 2012.

CALCULATIONS:

ADOPTED: 1 Unit(s) x 2.659 p/h = 3 persons

PROPOSED: N/A, no residential

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: A habitat study is required for developments greater than ten (10) acres in size. At the time the Master Site Plan or Preliminary Development Plan is submitted to the City, the development applicant must conduct a species survey and submit a habitat management plan if any threatened or endangered species are identified within the project site.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 GPD/Capita ; 81 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 4,002 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 177 GPD/Capita ; 177 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 210 GPD

3. Projected total demand under proposed designation: 5,336 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 12 Lbs / Day
4. Projected LOS under proposed designation: 53 Lbs / Day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

Water treatment plant permit number: Cup No. 3217
Permitting agency: St. John's River Water Management District
Permitted capacity of the water treatment plant(s): 9.353 MGD
Total design capacity of the water treatment plant(s): 33.696 MGD
Availability of distribution lines to serve the property: Yes
Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year – 24 hour design storm
3. Projected LOS under proposed designation: 100 year – 24 hour design storm
4. Improvement/expansion: On site retention / detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.009 Acres
3. Projected facility under proposed designation: N/A
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

Standards set forth in the City's Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development.

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Zellwood Properties, LLC
Property Owner
2.45 +/- Acres

Proposed Small Scale Future Land Use Amendment:

From: "County" Rural (0 – 10 du/ac)

To: "City" Commercial (Max. 0.25 FAR)

Proposed Change of Zoning:

From: "County" A-1 (ZIP)

To: "City" PUD

Parcel ID #s: 36-20-27-0000-00-024

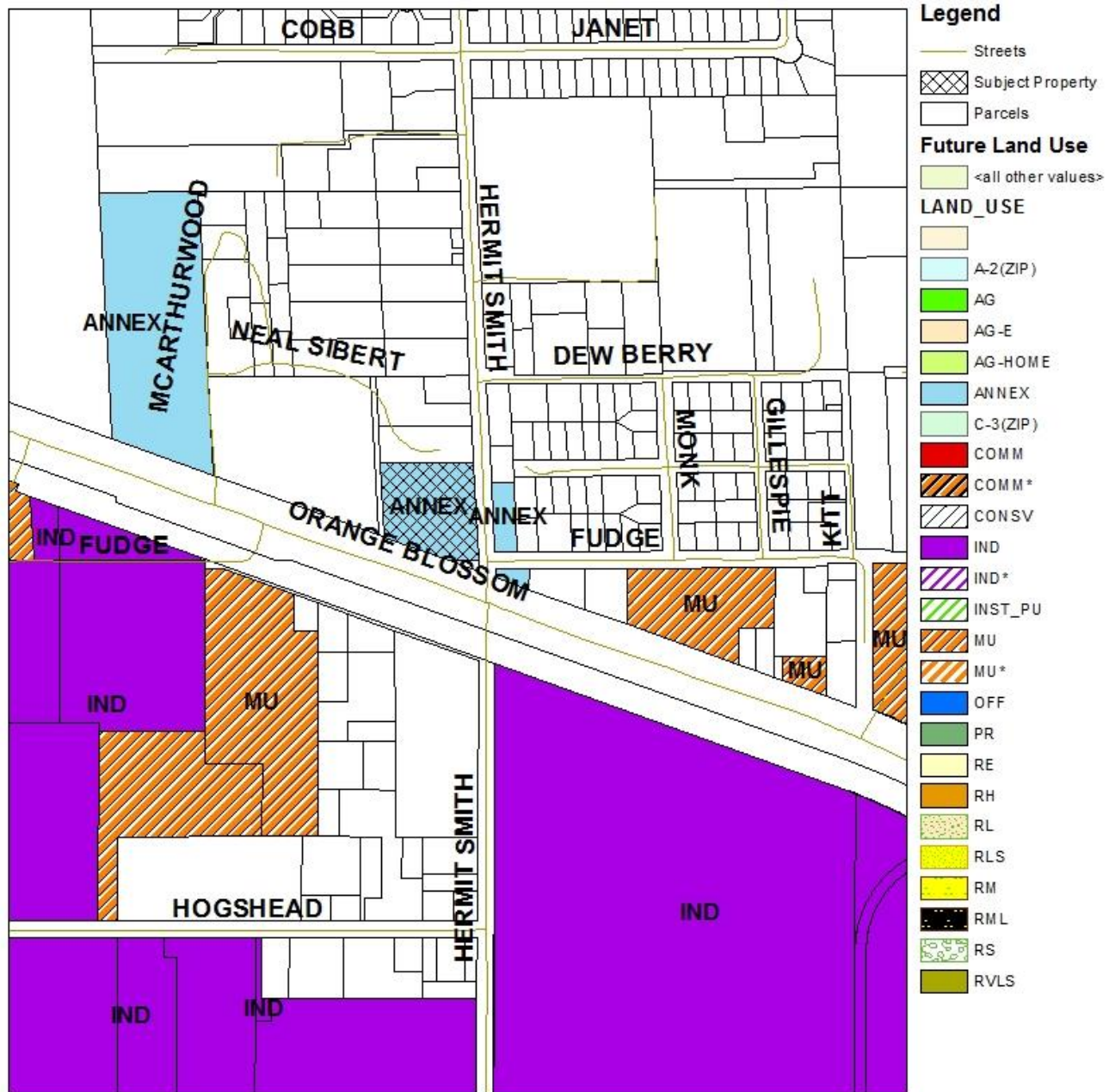


VICINITY MAP



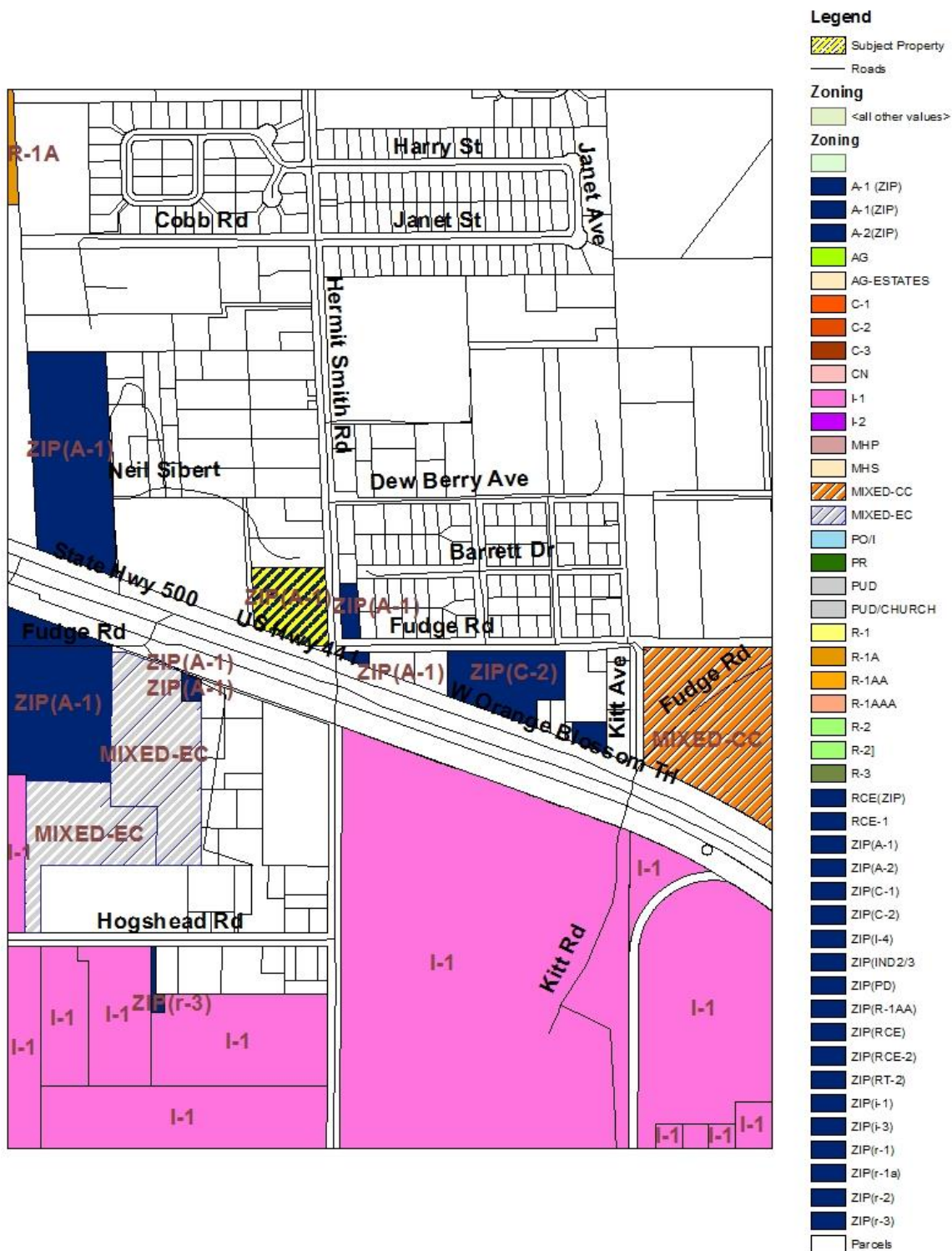


FUTURE LAND USE MAP





ADJACENT ZONING





ADJACENT USES

Subject Property



ORDINANCE NO. 2619

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL TO “CITY” COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HERMIT SMITH ROAD AND NORTH OF ORANGE BLOSSOM TRAIL, COMPRISING 2.45 ACRES, MORE OR LESS AND OWNED BY ZELLWOOD PROPERTIES LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2606 on December 20, 2017; and

WHEREAS, the City of Apopka’s local planning agency (Planning Commission) has, in preparation of the amended version of the Apopka Comprehensive Plan, analyzed the proposed amendment pursuant to Chapter 163, Part II, F.S., found it to be consistent with the intent of the Apopka Comprehensive Plan, and held public hearings providing for full public participation.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Apopka, Florida, as follows:

Section I. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section II. Future Land Use Element.

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2606, is amended in its entirety to change the land use from “County” Rural (1 du\10 ac) to “City” Commercial (Max. FAR 0.25), for certain real property generally located west of Hermit Smith Road and north of U.S. 441, comprising 2.45 acres more or less, and owned by Zellwood Properties, LLC; as further described in Exhibit “A” attached hereto.

Section III. Applicability and Effect.

The applicability and effect of the City of Apopka Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes.

Section IV. Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

ORDINANCE NO. 2619
PAGE 2

Section V. The Community Development Director is hereby authorized to amend the Future Land Use to comply with this ordinance.

Section VI. Effective Date.

This Ordinance shall become effective upon adoption.

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this 7th day of February, 2018.

READ FIRST TIME: January 17, 2018

READ SECOND TIME
AND ADOPTED: February 7, 2018

Joseph E. Kilsheimer, Mayor

ATTEST:

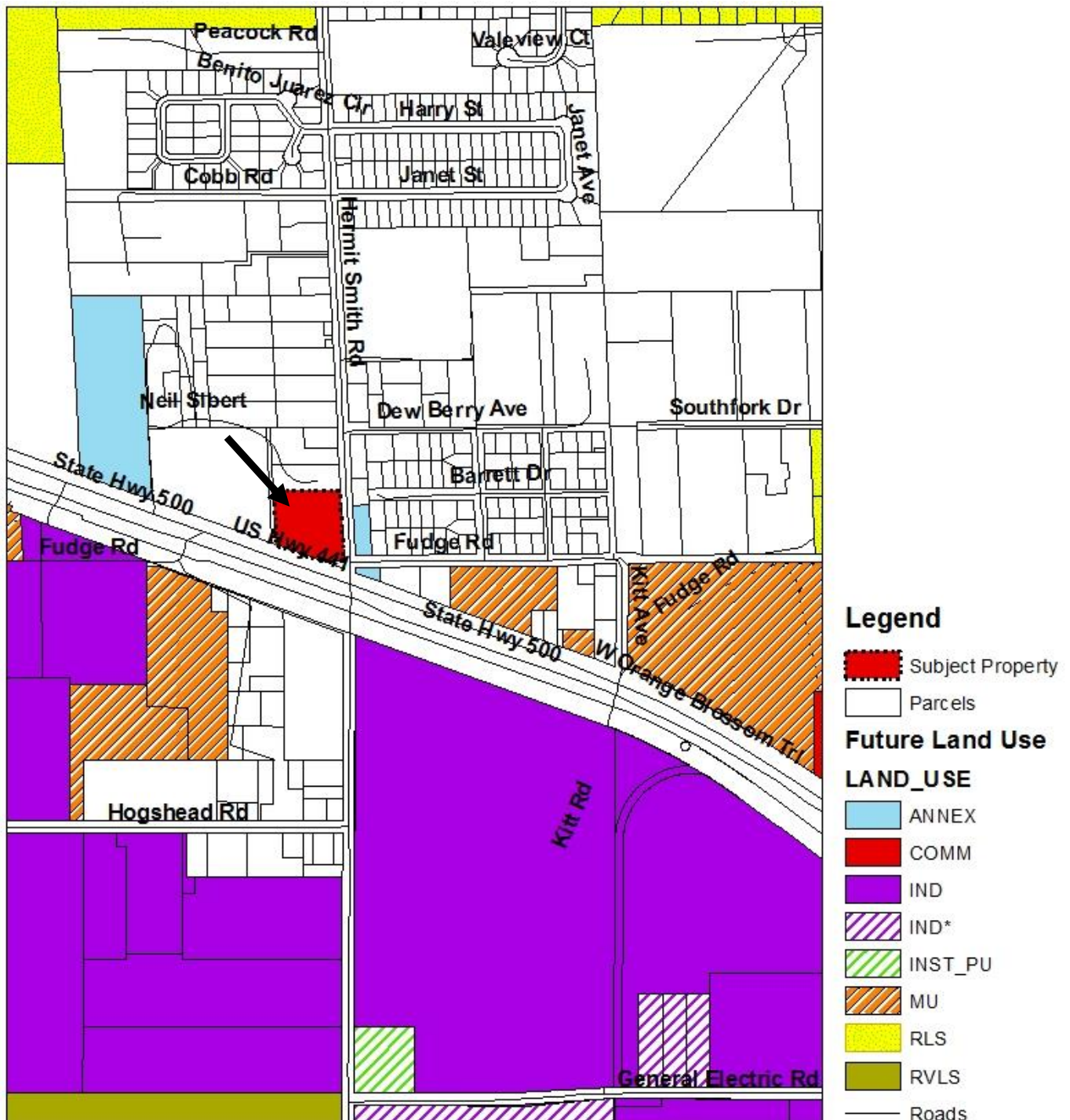
Linda Goff, City Clerk

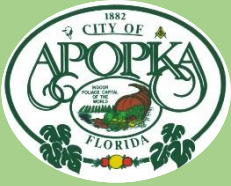
DULY ADVERTISED FOR HEARING: December 29, 2017
January 26, 2018



EXHIBIT "A"

ORDINANCE NO. 2619
Zellwood Properties, LLC
Small Scale Future Land Use Amendment:
From: "County" Rural (1 du\ 10 ac)
To: "City" Commercial (max 0.25 FAR)
Parcel ID #: 36-20-27-0000-00-024





CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA
☒ PUBLIC HEARING
☐ SPECIAL REPORTS
☒ OTHER: Ordinance

MEETING OF: January 17, 2018
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Zoning Map
Adjacent Uses Map
Ordinance No. 2620

SUBJECT: **ORDINANCE NO. 2620 – CHANGE OF ZONING – ZELLWOOD PROPERTIES, LLC**

REQUEST: **FIRST READING OF ORDINANCE NO. 2620 – CHANGE OF ZONING – ZELLWOOD PROPERTIES, LLC – FROM “COUNTY” A-1 (ZIP) TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/COMMERCIAL); AND HOLD OVER FOR SECOND READING & ADOPTION.**

SUMMARY:

OWNER: Zellwood Properties, LLC

APPLICANT: Tannath Design, Inc., c/o Bryan Potts, P.E.

LOCATION: 1102 Hermit Smith Road

PARCEL ID NUMBER: 36-20-27-0000-00-024

EXISTING USE: Vacant-Woodlands

CURRENT ZONING: “County” A-1 (ZIP)

DEVELOPMENT POTENTIAL: Maximum 26,681 sq. ft. commercial use (Max. 0.25 floor area ratio)

PROPOSED ZONING: “City” PUD (Planned Unit Development) (Note: this Change of Zoning request is being processed along with a request to amend the Future Land Use from “County” Rural (0-10 du/ac) to Commercial (Max. 0.25 FAR)

TRACT SIZE: 2.45+/- acres

MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: Single-family residence
PROPOSED: Up to 26,681 sq. ft.

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

ADDITIONAL COMMENTS: Presently, the subject property has not yet been assigned a “City” zoning category. The applicant is requesting the City to assign a zoning classification of PUD (Planned Unit Development) to the property.

The subject property was annexed into the City of Apopka on June 20th, 2012, through the adoption of Ordinance No. 2262.

The intent of the PUD zoning was to restrict uses on a Gateway Property. A master site plan accompanies the PUD zoning application.

A request to assign a change of zoning to PUD is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The change of zoning request is being processed in conjunction with a future land use amendment from “County” Rural to “City” Commercial.

PUD DEVELOPMENT AND ZONING CONDITIONS: That the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: all such uses permitted within the C-1 Commercial zoning category and automobile service stations unless as otherwise listed as a prohibited use below. Automobile service stations are a permissible use within the C-2 zoning category. Other than automobile service stations, no other C-2 zoning district permissible or special exception use is allowed within the PUD. Uses also prohibited within this PUD site and the Master Plan are:
 - 1. Drugstore and sundry stores (which includes medical marijuana dispensaries)
 - 2. Boarding or rooming house(s);
 - 3. Outdoor storage or display of merchandise (including vending machines other than fuel stations and air pumps)
- B. The requisite Master Plan shall be submitted with or as part of the Preliminary Development Plan application.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for submittal of the required Final Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 - 3. Rezone the property to a more appropriate zoning classification.

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the proposed Commercial (Max. 25% Floor Area Ratio) Future Land Use designation and the City’s proposed Planned Unit Development Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on November 27, 2017.

PUBLIC HEARING SCHEDULE:

Planning Commission, January 9, 2018 (5:30 pm)
City Council, January 17, 2018 (7:00 pm) - 1st Reading
City Council, February 7, 2018 (1:30 pm) - 2nd Reading

DULY ADVERTISED:

November 28, 2017 - Public Notice (Letters, Apopka Chief, Site Posting)
January 26, 2017 - Public Notice (Apopka Chief)

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from “County” A-1 to “City” PUD for the property owned by Zellwood Properties LLC, and located at 1102 Hermit Smith Road.

The **Planning Commission**, at its meeting, on January 9th, 2018, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the proposed Change of Zoning from “County” A-1 to “City” PUD for the property owned by Zellwood LLC, and located at 1102 Hermit Smith Road.

Accept the first reading of Ordinance 2620 and hold it over for second reading and adoption on February 7, 2018.

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.

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (1 D/U per 10 Acres)	“City” A-1 (ZIP)	Vacant
East (City)	Annex	“City” A-1 (ZIP)	Vacant
South (County)	Rural (1 D/U per 10 Acres)	“County” C-3 & R-3	Single-Family Homes
West (City)	Rural (1 D/U per 10 Acres)	“County” A-1	Vacant

LAND USE & TRAFFIC

COMPATIBILITY:

The concept plan proposes accesses on West Orange Blossom Trail and Hermit Smith Road.

COMPREHENSIVE PLAN

COMPLIANCE:

The proposed PUD zoning is consistent with the proposed Future Land Use designation, “Commercial” (Max. 25% FAR) and with the character of the surrounding area and future proposed development. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.

BUFFERYARD

REQUIREMENTS:

1. Areas adjacent to all road rights-of-way shall provide a minimum ten-foot landscaped bufferyard.
2. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard.
3. Areas adjacent to nonresidential uses or districts shall provide a minimum of five-foot landscaped bufferyard.
4. Landscaping requirements for existing platted lots of record and structures may be approved in a lesser amount than required after review by the development review committee.

ALLOWABLE USES:

1. Professional offices, including those of architects, engineers, lawyers, accountants, tax and financial services or consultants, bookkeepers, realtors and brokers, insurance, investment counselors, travel agencies, etc.
2. Medical or dental clinics and offices.
3. Establishments for the retail sale of pharmaceutical, medical and dental supplies and other hospital-related items such as

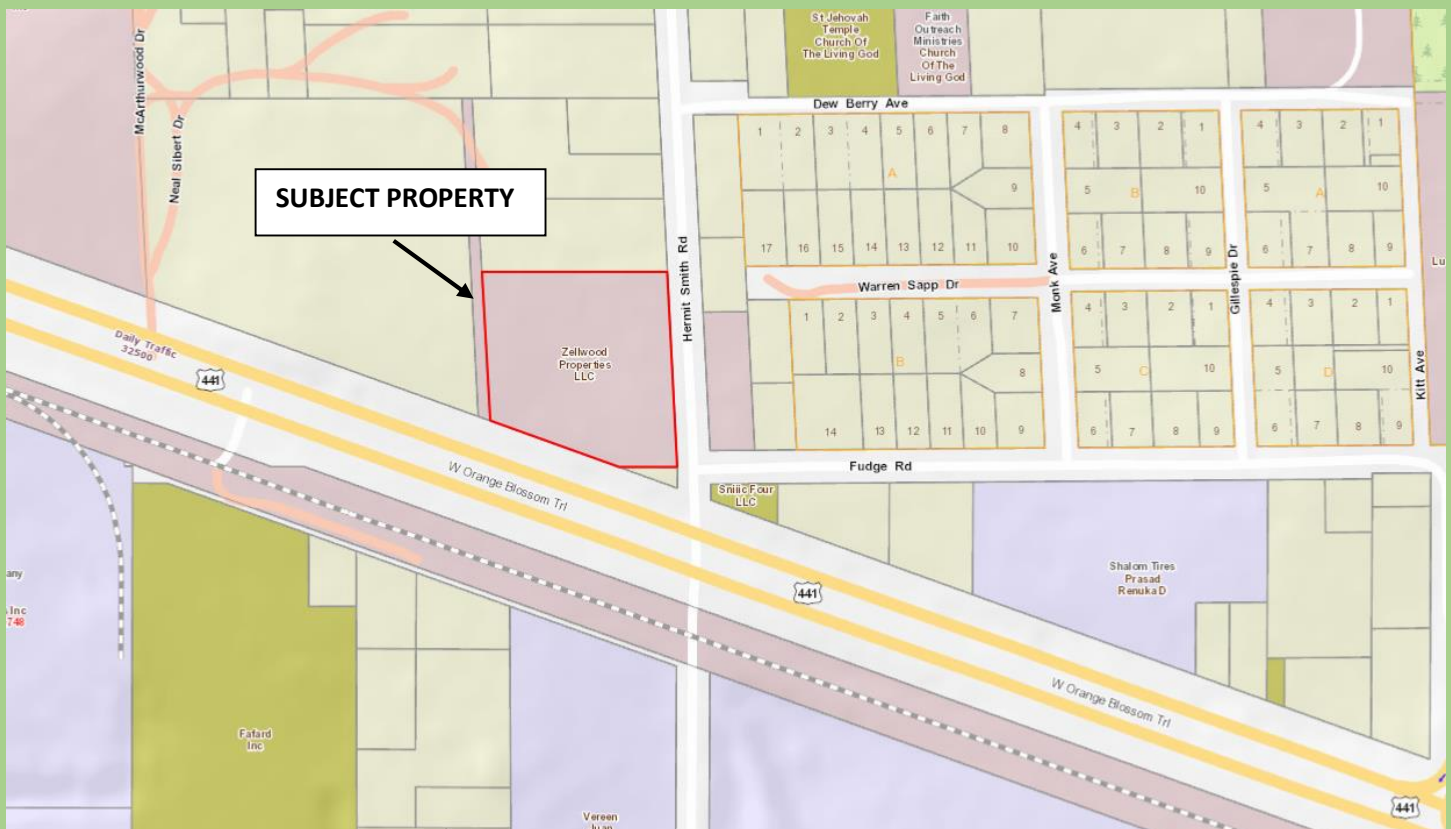
wheelchairs, braces, crutches, etc., for the handicapped, and other similar merchandise.

4. Parks and recreational areas owned and operated by nonprofit organizations.
5. Hospitals, museums, libraries, and cultural institution.
6. General government offices, including, but not limited to, fire stations, police stations, and post offices.
7. Churches and attendant educational facilities.
8. Educational facilities and day nurseries.
9. Public and private utilities.
10. Supporting infrastructure and public facilities.
11. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Use determination shall be based on the community development director's recommendation.



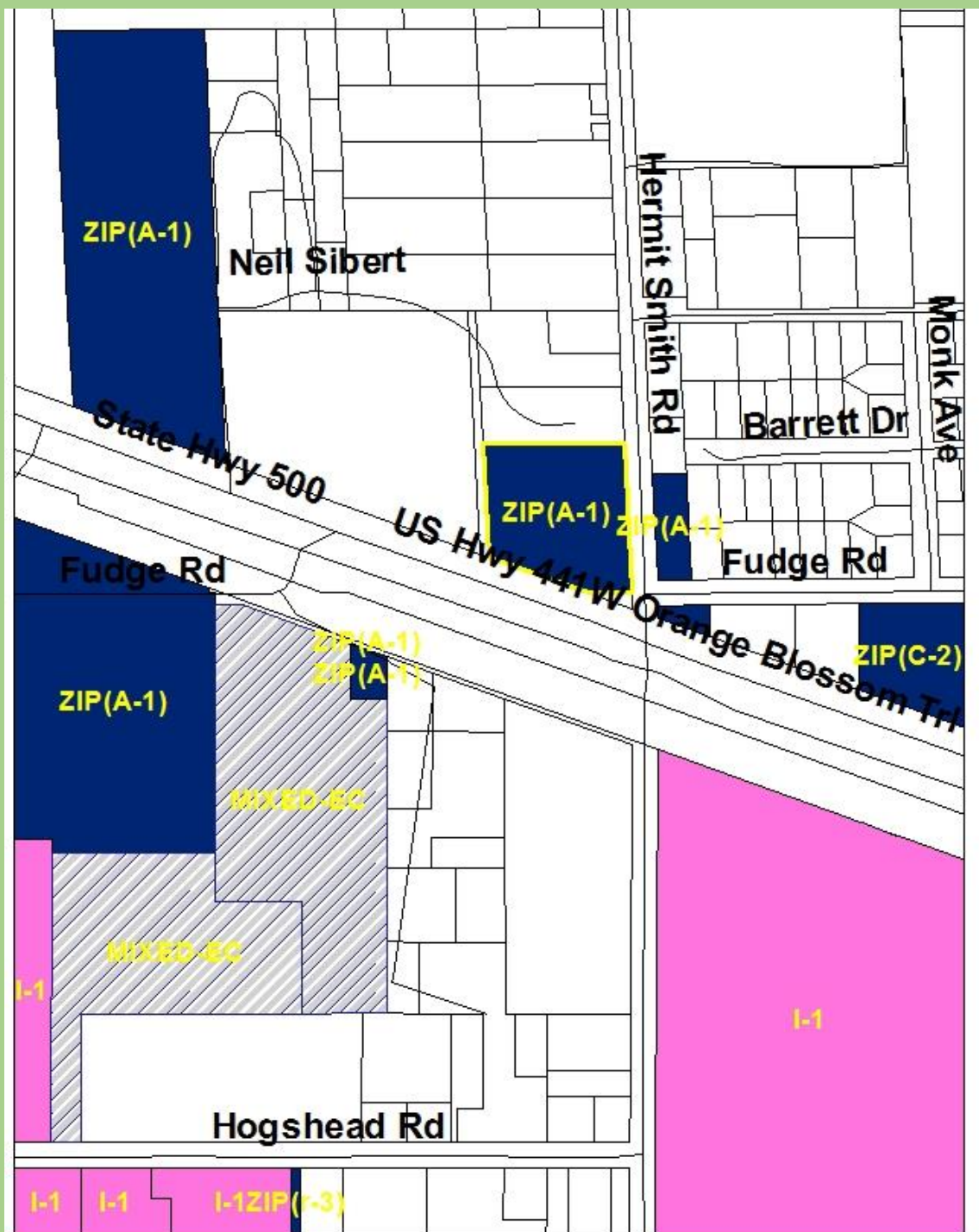
Zellwood Properties, LLC
2.45 +/- acres
Proposed Small Scale Future Land Use Amendment:
From: “County” Rural
To: “City” Commercial
Proposed Change of Zoning:
From: A-1 (ZIP)
To: PUD
Parcel ID #: 36-20-27-0000-00-024

VICINITY MAP






ADJACENT ZONING MAP

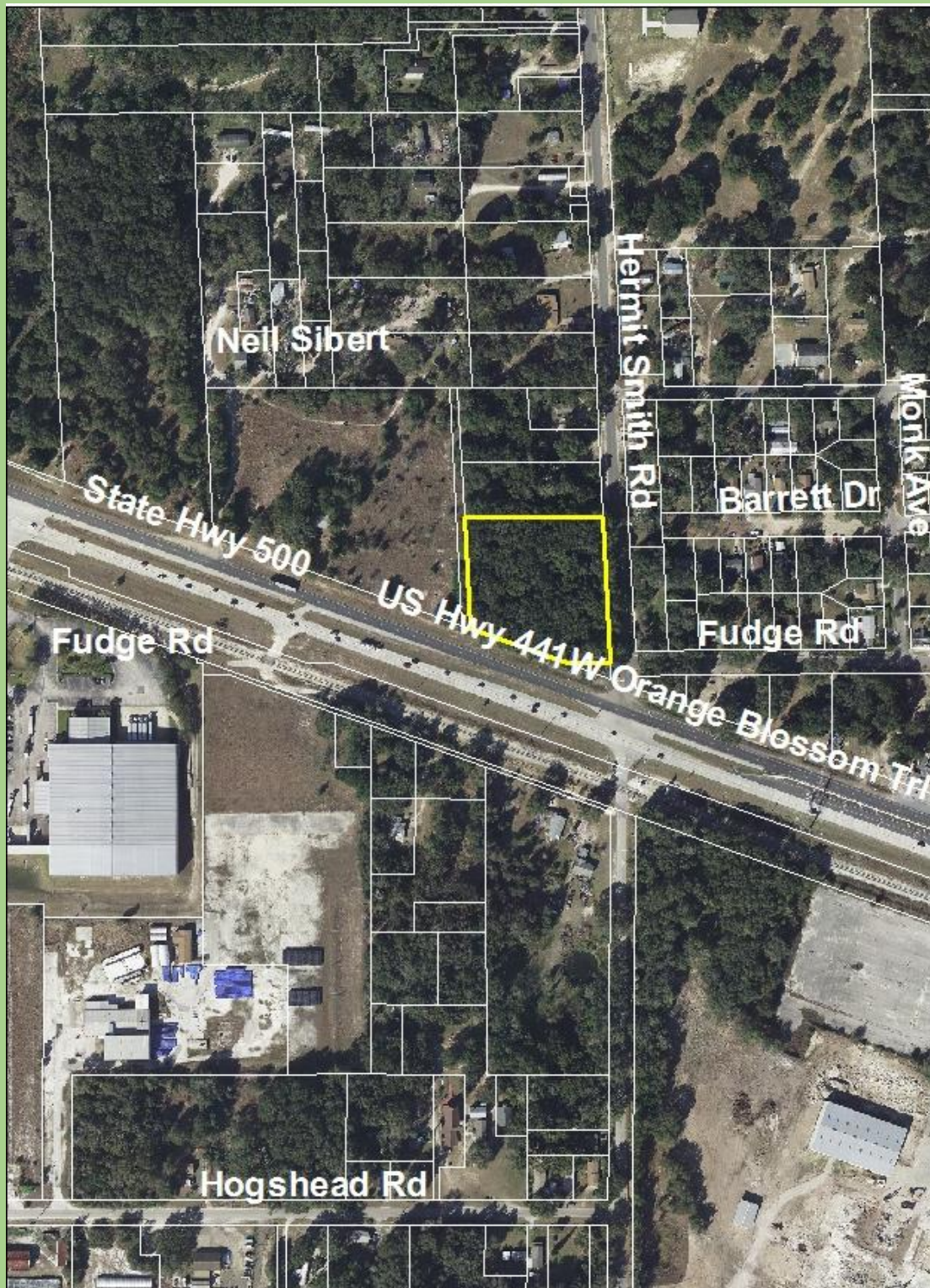


Legend

 Subject Property



ADJACENT USES MAP



Legend

 Subject Property

ORDINANCE NO. 2620

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/COMMERCIAL) FOR CERTAIN REAL PROPERTY LOCATED AT 1102 HERMIT SMITH ROAD, COMPRISING 2.45 ACRES MORE OR LESS, AND OWNED BY ZELLWOOD PROPERTIES, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

WHEREAS, the City of Apopka has requested a change in zoning on said property as identified in Section I of this ordinance; and

WHEREAS, the proposed Planned Unit Development (PUD/Commercial) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Apopka, Florida, as follows:

Section I. That the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: all such uses permitted within the C-1 Commercial zoning category and automobile fuel stations unless as otherwise listed as a prohibited use below. Automobile fuel stations are a permissible use within the C-2 zoning category. Other than automobile fuel stations, no other C-2 zoning district permissible or special exception use is allowed within the PUD. Uses also prohibited within this PUD site and the Master Plan are:
 1. Drugstore and sundry stores (which includes medical marijuana dispensaries)
 2. Boarding or rooming house(s);
 3. Outdoor storage or display of merchandise (including vending machines other than fuel stations and air pumps);
 4. Maintenance or repair of vehicles.
- B. The requisite Master Plan shall be submitted with or as part of the Preliminary Development Plan application.

C. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:

1. Permit a single six-month extension for submittal of the required Final Development Plan;
2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
3. Rezone the property to a more appropriate zoning classification.

Section II. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/PO/I), as defined in the Apopka Land Development Code.

Legal Description:

E1/2 OF SE1/4 OF SE1/4 OF SW1/4 & 1/2 ACRE OFF E SIDE OF W1/2 OF SE1/4 OF SE1/4 OF SW1/4 (LESS N 100 FT OF E 165 FT THEREOF) & (LESS BEG AT S 1/4 COR OF SEC 36-20-27 RUN SWLY 30.03 FT N 00 DEG W 485.2 FT TO POB TH N 00 DEG W 80.05 FT S 86 DEG W 165.26 FT N 00 DEG W 100.16 FT N 86 DEG W 169.11 FT S 00 DEG E 180.26 FT S 86 DEG E 333.56 FT TO POB) IN SEC 36-20-27 6351/388 & LESS COMM SE COR OF SW1/4 W 30.03 FT N 354.29 FT TO POB N 130.91 FT W 333.56 FT S 130.95 FT E 332.97 FT TO POB

Parcel I.D.: 36-20-27-0000-00-024

Contains: 2.45 +/- Acres

Section III. That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

Section IV. That the Community Development Director, or the Director's designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation. The Community Development Director shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

Section V. That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

Section VI. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section VII. That this Ordinance shall take effect upon adoption of Ordinance No. 2619.

READ FIRST TIME: January 17, 2018

READ SECOND TIME
AND ADOPTED: February 7, 2018

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: November 28, 2017; January 26, 2018

12/7/17

City of Apopka
City Hall Annex
150 East 5th Street
Apopka, FL 32703

Dear Sir/Madam:

We just wanted to express our sincere appreciation to several of your employees for their professional and timely response to a water problem we recently encountered. On Friday, December 1, 2017, at about 6 PM, we noticed water squirting up alongside the sidewalk in front of our house. We inspected the area and there appeared to be a water pipe that was spewing water from the ground. My neighbor immediately called Apopka's emergency line for water issues and within 20 minutes, Curtis from your water maintenance division arrived and performed a temporary fix of the problem. Curtis was not only professional but most personable and friendly while he attended to his task at hand, which wasn't easy in the dark on one's hands and knees! He then advised me that someone would be out next week to perform a permanent fix of the problem.

On Monday, December 3, we were pleasantly surprised when your employees, Kenny and Charlie arrived at 9 AM and began the arduous task of breaking out a large block of concrete sidewalk. They encountered a large tree root that was wrapped around the broken pipe which had to be replaced. Those two men worked extremely hard for two hours removing that tree root but they too were courteous and professional and did an excellent job cleaning up after the repair. When they were through with their work, they advised they would take care of putting a work order in to replace the concrete sidewalk.

As you can no doubt tell from my letter, I was most pleased with the way my problem was expeditiously handled and the outstanding work performed by City of Apopka! Please convey our sincere appreciation to Curtis, Kenny and Charlie for a job well done!

Sincerely,



Ed and Pam Winkel


Apopka, FL 32712-4852

City of Apopka

Standing Ovation Award

Recognizing a Job Well-Done!

Awarded to:

Curtis Johnson

In Regards to: A water leak at 3459 Players Point Loop.....The City of Apopka received a letter from Ed and Pam Winkel stating they had a water leak, and the City responded within 20 minutes and performed a temporary fix to the problem. Curtis stated the City would be out to permanently fix the problem the next week. Mr. and Mrs. Winkel was very pleased with the way the problem was expeditiously handled and the work was outstanding.

January 3, 2018

Date

Original: Recipient



Signature

CC: HR, Department Head, City Administrator

City of Apopka

Standing Ovation Award

Recognizing a Job Well-Done!

Awarded to:

Charlie Shaw

In Regards to: A water leak at 3459 Players Point Loop.....The City of Apopka received a letter from Ed and Pam Winkel stating they had a water leak and the City responded within 20 minutes and performed a temporary fix to the problem. Charlie came back out helping break a large block of concrete sidewalk to remove a large tree root that was wrapped around a broken pipe. Mr. and Mrs. Winkel were very pleased with the way the problem was expeditiously handled and the work was outstanding.

January 3, 2018

Date

Original: Recipient

Bonnie Daulton

Signature

CC: HR, Department Head, City Administrator

City of Apopka

Standing Ovation Award

Recognizing a Job Well-Done!

Awarded to:

Kenneth Gibson

In Regards to: A water leak at 3459 Players Point Loop.....The City of Apopka received a letter from Ed and Pam Winkel stating they had a water leak and the City responded within 20 minutes and performed a temporary fix to the problem. Kenneth came back out helping break a large block of concrete sidewalk to remove a large tree root that was wrapped around a broken pipe. Mr. and Mrs. Winkel were very pleased with the way the problem was expeditiously handled and the work was outstanding.

January 3, 2018

Date

Original: Recipient

Brian Smith

Signature

CC: HR, Department Head, City Administrator