CITY OF APOPKA

Minutes of the regular City Council meeting held on July 1, 2015, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Assistant City Attorney Drew Smith
City Administrator Glenn Irby

ABSENT: Commissioner Sam Ruth

PRESS PRESENT: John Peery - The Apopka Chief
Steve Hudak – Orlando Sentinel
Channel 9, WFTV News

INVOCATION – Commissioner Velazquez introduced Annie Cunningham, who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said on July 4, 1776, the Continental Congress formally adopted the Declaration of Independence which proclaims the independence of the newly formed United States from Great Britain and its King. The declaration came just over a year after the first shots were fired at Concord signaling the start of the Revolutionary War. The war would last five years until America's victory at Yorktown. In 1783, the United States became a free and independent nation with the signing of the Treaty of Paris. He asked everyone to remember the many sacrifices of our founding fathers and great patriots who fought to establish our great nation as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. Jesse Petty – Police Department/Communications – Five Year Service Award - Jesse began working for the City on June 3, 2010, as a Communication Technician, which is his current position. Jesse was not present and his award will be presented at another time.

2. Delana Reagor – Police Department/Communications – Five Year Service Award - Delana started working for the City on June 21, 2010, as a Communication Technician, which is her current position. The City Council joined Mayor Kilsheimer in congratulating Delana on her years of service to the City.

3. Sheng Zhang – Human Resources – Ten Year Service Award - Sheng began working for the City on June 15, 2005, as a Payroll Clerk. Sheng was reclassified on October 2, 2006, to Payroll Specialist I and on October 1, 2007, she was reclassified to Human Resource Specialist I, which is her current position. The City Council joined Mayor Kilsheimer in congratulating Sheng on her years of service to the City.

4. Robert Allen – Police Department/Support Services – Twenty Year Service Award - Rob started working for the City on June 7, 1995, as a Police Officer. On July 3, 2007, he was promoted to Police Sergeant, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Robert on his years of service to the City.

PRESENTATIONS

1. Water for People Week Proclamation – Mayor Kilsheimer read the proclamation proclaiming the week of August 2-8, 2015 Water for People Week and presented it to Tim Brodeur.

2. Pre-Budget Presentation - Jean Jreij, Public Services Director, gave a pre-budget presentation for Public Services reviewing all 18 Divisions of Public Services and their responsibilities.

Mayor Kilsheimer recognized Orange County Commissioner Bryan Nelson and Orange County School Board Member Christine Moore.

CONSENT AGENDA

1. Award the contract, in the amount of $64,744.00, to William Medley Construction, Inc. for the construction of 16 canopy shade structures at the Northwest Recreation Complex, and authorize a contingency fund in the amount of $6,000.00.
2. Authorize the purchase of a service vehicle for the Fire Department, from Mullinax Ford in the amount of $27,256.08.
3. Authorize Traci Parker to hold a community block party, on July 4, 2015, at the cul-de-sac on Shirley Drive in Clayton Estates.
4. Approve the Disbursement Report for the month of June, 2015.

Commissioner Dean requested Item 1 be pulled for discussion.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to approve items 2-4 of the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Velazquez voting aye.

Commissioner Dean said he was not against the canopies to be constructed at the Northwest Recreation facility. However, he has a concern that the city can find money to spend on the north side of the city, but cannot seem to find money to do anything constructive on the south side of the city and always seems to be in the visioning planning. He asked for an explanation as to why they cannot find funds to do anything on the south side of the city.

Glenn Irby, City Administrator, said the money being spent on shade structures is in the current year budget that the City Council approved. He stated we were about to go through another budget process for the next fiscal year and hopefully funds will be included for the south side, especially Alonzo Williams Park and that area, just like this was for the Northwest Recreation facility. In response to Commissioner Dean asking if they had to wait

a year to do anything, Mr. Irby advised budget revisions can be made.

Mayor Kilsheimer reiterated the CDBG grant being pursued for that area and advised there were other matters being worked on by staff.

Suzanne Kidd said she attended the Task Force committee meeting last evening, as well as the Parks & Recreation Master Plan Advisory Committee meeting the night before and at both meetings they discussed improvements for Alonzo Williams Park. She stated the Task Force voted to recommend to Council that Alonzo Williams Park be one of the areas to improve and these recommendations will be before Council at their July 15th meeting.

Pastor Hezekiah Bradford expressed two concerns: One concern inquiring who was on the Task Force, to which Mayor Kilsheimer advised the appointed Task Force members were Marcus West, Denise Gilcrease, Margret Buford, Erica Childers, and Rogers Beckett. His second concern was with regards to what they do and how they spend the money on the park, to which Mayor Kilsheimer advised Captain Jerome Miller was Chair of the Parks and Recreation Citizen Advisory Master Plan Committee and he could contact Captain Miller with recommendations for the Master Plan.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve Consent Agenda Item 1. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Velazquez voting aye.

LEGISLATIVE ORDINANCES AND RESOLUTIONS

1. RESOLUTION NO. 2015-12 - Granting a non-exclusive franchise, to Mid Florida Materials, for roll-off container collection and disposal of waste in the City of Apopka. The title was read by the City Clerk as follows:

RESOLUTION NO. 2015-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO MID FLORIDA MATERIALS., TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING AN EFFECTIVE DATE.

MOTION by Commissioner Dean, and seconded by Commissioner Velazquez, to approve Resolution No. 2015-12. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

QUASI-JUDICIAL: ORDINANCES AND SITE APPROVALS

1. ORDINANCE NO. 2435 – SECOND READING & ADOPTION – CHANGE OF ZONING/SMALL LOT OVERLAY DISTRICT MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – Silver Oak – owned by Tallman Development Company, c/o Ed Hampden; engineer is Poulos & Bennett, LLC, c/o Marc Stehli, P.E. – From R-3 to R-3/Small Lot Overlay District, for property located north of East Keene Road, west of South Sheeler Avenue (2220 S. Sheeler Road). (Parcel ID Nos. 22-21-28-0000-00- 078, 22-21-28-0000-00-079, 22-21-28-0000-00-081, 22-21-28-0000-00-082, 22-21-28- 0000-00-105, 22-21-28-0000-00-108, 22-21-28-0000-00-109, 22-21-28-0000-00-114, 22-21-28-0000-00-117, 22-21-28-0000-00-122) The City Clerk read the title as follows:

ORDINANCE NO.2435

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 TO R-3/SMALL LOT OVERLAY DISTRICT FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST KEENE ROAD, WEST OF SOUTH SHEELER AVENUE COMPRISING 50.83 ACRES MORE OR LESS AND OWNED BY TALLMAN DEVELOPMENT COMPANY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

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

Jay Davoll, Community Development Director and City Engineer, gave a brief overview of the project and reviewed the revised site plan based upon Council's discussion at the last meeting. He advised the ten lots along Sheeler Road have been revised to 70 foot lots, so the total number was reduced by 3 lots. He stated at the June 17th City Council meeting, Council denied the waiver request for the 6 foot high vinyl wall, they approved the swimming pools on 50 foot lots, approved the waiver for screen rooms, made a motion to approve the subdivision, and also approved the ordinance. The same information is before Council today, and staff requests Council adopt Ordinance No. 2435 subject to the Development Review Committee acceptance of the revised Master Plan and Preliminary Development Plan subject to the approved waivers and modification of the legal description.

Christian Swann, Executive Vice President of Surrey Homes, said he appreciated working with Council at the previous hearing and he was available to answer any additional questions. He advised the schools for this subdivision would be Lakeville Elementary, Piedmont Middle School, and Wekiva High School.

Commissioner Dean suggested some of the students go to Phyllis Wheatley Elementary with it being a new state-of-the-art elementary school.

Mayor Kilsheimer opened the meeting to a public hearing.

Christine Moore, Orange County Public School Board Member, said two years ago with this project, they did have some rezoning to do, as some of the zoning was Lakeville and some was Wheatley. She advised the School Board always assures the entirety of a development goes to the same school. The School Board at that time decided to place this development in Lakeville Elementary. She advised she has had some concerns with all of the projects moving forward on Binion Road and will be looking into moving some areas into Phyllis Wheatley.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Dean to adopt Ordinance No. 2435 subject to the Development Review Committee's acceptance of the revised Master Plan and Preliminary Development Plan addressing the approved waivers and including the revised legal description. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Velazquez voting aye.

MAYOR'S REPORT – Mayor Kilsheimer reported the proposed 2015-2016 FY Budget will be presented to the Commissioners tomorrow. He advised the proposed Budget is a balanced budget and at this point will not include any tax increases, showing the same millage rate as adopted last year. He said the plan will be to have Budget Workshops scheduled from July 20 – 24, 2015 at 1:30 p.m.

OLD USINESS

1. COUNCIL – There was no old business from the Council.

2. PUBLIC – There was no old business from the Public.

NEW BUSINESS

1. COUNCIL

Commissioner Arrowsmith said he would like to apologize to the VFW for the vote at the last meeting. He stated he asked some direct questions and did not receive direct answers regarding the use of the Community Center. He said he was of the understanding the Mayor had had conversations with them on that direct subject.

Mayor Kilsheimer said if the direct question was had he spoken with Artie Vecchio prior to the meeting about the AHA Players, then the direct answer is he had not. However, he has been speaking with Mr. Vecchio since he took office about the VFW, and Mr. Irby has been holding discussions with Mr. Vecchio about the VFW. He advised they have fielded multiple requests and complaints about use of the VFW/Apopka Community Center.

Commissioner Arrowsmith said that should have been the subject, rather than bringing in a group they all will support with an end result of the City taking over the Community Center. He stated they should have had meetings specifically about that prior to providing blocks of

time to other people.

Artie Vecchio, Commander of VFW 10147, said they have had multiple discussions with Mayor Kilsheimer and Mr. Irby about a contract. He stated they did not know anything about this particular group. He declared the VFW has given 60% of their income back to the community. He said they have kept the building nice and they want to work with the city, but not in this manner.

Mayor Kilsheimer said they were not getting rid of the veterans, but they were asking them to share the building. They have received a request by another community group to use the VFW under the same terms and conditions the VFW has. He affirmed the VFW has free use of the building that is paid and maintained by the taxpayers of the City of Apopka. The AHA Players has a schedule and are asking to use the building for 66 days out of the year.

Commissioner Arrowsmith said he understands it was taxpayers' dollars that built the building. He keeps hearing there was $500,000 raised and spent on the building between the kitchen equipment an everything that is inside. He inquired if that was raised by the VFW and their investment.

Mayor Kilsheimer said that was a very good question and it would be very interesting to see if there are any receipts associated with that. In response to Commissioner Arrowsmith's question regarding who is running the Community Center, Mayor Kilsheimer said right now it is the same as it has always been with the VFW running the Community Center. He reiterated that all the Council did was say they wanted a community theater to use the VFW/Community Center and that a community theater was a good idea.

Commissioner Arrowsmith said until an agreement is worked out with the VFW, they are still in effect doing what they have always done which is book events there, give back to the community, they are going to work with the AHA Players during these 66 days and that is the program as it stands right now.

Mayor Kilsheimer responded in the affirmative.

Robert Popp inquired when Council approved the AHA group utilizing the facility, had anybody looked at how the VFW generates its revenue and when that does occur. He said his concern is they approved someone using the facility that, in reality, is going to hamper the VFW's ability to continue to run financially.

David Rankin said for quite some time Mayor Kilsheimer ran his campaign and always talked about transparency. He stated the agenda item was meant to deceive as the agenda item did not include the Community Center. He stated he did not have a problem with the AHA Players and thought it was a great opportunity for Apopka. He said there was a lack of transparency with the true nature of this matter. He declared they have cut 66 days of revenue opportunity out of the VFW.

Mayor Kilsheimer reiterated the VFW has been given free use of a city building for nine years at a cost to the City, initially to build the building, then operational expenses for

utilities and maintenance.

Phil Zakszewski said if you want information about the VFW and what they put into this City to see him as he can furnish this information by looking it up on the internet since they are nonprofit.

Isadora Dean thanked the veterans and the VFW for everything she personally knows they have done in this community. She said she was really impressed with the AHA Players, but said she thought they were only voting for them to use the building. She stated if the AHA Players were going to use the building for free, then were other groups going to be able to use the building for free.

2. PUBLIC

Peter Alden, Spin City Cycles, expressed concern regarding support of businesses off of 441. He requested the City review the sign ordinance so that they are allowed to post directional signs and advertise their businesses.

Christine Moore invited the Mayor and Council to the open houses of the three new schools that are opening this fall. Apopka Elementary will be held on August 19, 2015, Lovell Elementary School on August 20, 2015, Clay Springs Elementary on August 21, 2015.

Veronica Rogers said she resided on the south side of Apopka and it was her understanding the city limits go to 10th Street and Williams Park is on M.A. Board Street. She stated when looking at the overall budget they need to look at it extending to 10th Street.

Mayor Kilsheimer advised the budget does cover that area and reiterated there are a number of plans being looked at by staff to address economic development concerns.

In response to Commissioner Dean inquiring about the funds being spent with the Golf Specialty Company and whether they have a contract with the City, Mayor Kilsheimer advised staff would look into this and let him know.

ADJOURNMENT – There being no further discussion, the meeting adjourned at 2:57 p.m.

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ATTEST: Joseph E. Kilsheimer, Mayor

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Linda F. Goff, City Clerk