

CITY OF APOPKA

Minutes of the regular City Council meeting held on June 4, 2014, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth

PRESS PRESENT: Roger Ballas - The Apopka Chief
Steve Hudak – The Orlando Sentinel

INVOCATION AND PLEDGE OF ALLEGIANCE – The Invocation was given by Reverend Herman Dericho, New Hope Missionary Baptist Church. Mayor Kilsheimer said before dawn on June 6, 1944, allied forces under the direction of General Dwight D. Eisenhower set Operation Overlord into motion. This operation was the largest military action in history and would come to be known as D-Day. More than 20,000 airborne troops, the largest airborne force ever assembled, were dropped behind Nazi posts in Normandy, and hours later, more than 160,000 allied troops supported by more than 5,000 ships and 13,000 aircraft landed on five beaches along a heavily fortified 50-mile stretch of French coastland. More than 9,000 allied soldiers were killed or wounded in that action, but allied forces went on to march across Europe to defeat Hitler. He stated this Friday, June 6, 2014, marks the 70th anniversary of the D-Day invasion and, as we all know from reading The Apopka Chief, our own Artie Vechio has been chosen to represent the United States in the commemoration ceremonies in Normandy. He asked everyone to keep in mind the men and women who served to protect and defend our country as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. Jared D. Dickey – Police/Field Services – Ten Year Service Award - Mayor Kilsheimer said Jared was not present and would be presented his award at a later time.

2. John R. Blair – Public Services/W/W Collection Maintenance – Twenty Year Service Award - Mayor Kilsheimer said John started working for the City of Apopka on May 11, 1994, as a Utility Service Worker I. On May 11, 2003, he was reclassified to Utility Service Worker II, which is his current position. The City Council joined Mayor Kilsheimer in congratulating John on his years of service to the City.

3. Wayne M. Gray – Public Services/Fleet Management – Twenty – Five Year Service Award - Mayor Kilsheimer said Wayne was not present and would be presented his award at a later time.

PRESENTATIONS

1. Lake Apopka North Shore Eco-Tourism Strategic Action Plan - Barry Wilcox, Miller Legg

Barry Wilcox, Miller Legg gave a power point presentation on the Lake Apopka North Shore Ecotourism Strategic Action Plan wherein he reviewed Phase I, Ecotourism Concept Plans, and Phase II, LANSET Strategic Action Plan. He reviewed Agritourism, North Shore Recreation Area, and the concept of an Eco-village in the area to balance tourism with the environment of Lake Apopka and the north shore. He advised a Steering Committee has been developed and they have held several stakeholder meetings. A copy of the presentation is attached hereto.

Commissioner Ruth said he has ridden his bicycle along the trail and expressed concern regarding the surface to which Mr. Wilcox advised this would need to be discussed with St. John's Water Management.

Tenita Reid expressed concern regarding hunting in the area and wanted to make sure hunting no longer was allowed. She also spoke of concerns regarding the signs posted in the area regarding alligators and chemicals that were previously used in the area being hazardous.

Nancy Christman with St. Johns Water Management said they were well aware of hunting issues.

Charles Lee, Director of Advocacy of Audubon Florida, said he was present to compliment the City of Apopka for its leadership role in the development of an ecotourism plan for the North Shore of Lake Apopka.

In response to Mayor Kilsheimer's inquiry regarding the next steps, City Administrator Anderson advised that an application for a grant has been submitted for implementation of the second phase of this process. He added the City is committed to moving forward with the project.

CONSENT AGENDA

1. Approve the minutes of the regular City Council meeting of May 21, 2014 at 8:00 PM.
2. Authorize the Chief Administrative Officer to sign an agreement with Miller Legg, in the amount of \$49,900.00, to prepare a concept master plan for the Downtown Stormwater Storage Pond Boardwalk.
3. Authorize the issuance of a Peddler's Permit, to TNT Fireworks, for the sale of state approved sparklers from June 24, 2014, through July 5, 2014, at 1302 East Semoran Blvd. (Piedmont Plaza) and 1700 South Orange Blossom Trail (Wal-Mart).
4. Approve the Disbursement Report for the month of May, 2014.

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

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

- 1. ORDINANCE NO. 2364 – SECOND READING & ADOPTION - CHANGE OF ZONING – Country Crossings, LLC, c/o Mark Crone, from R-1AA (Residential) to Planned Unit Development (PUD/Residential), for property located north of West Lester Road, west of Vick Road. (Parcel ID # 29-20-28-0000-00-028) [Ordinance No. 2364 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 23, 2014.]**

The Deputy City Clerk read the title, as follows:

ORDINANCE NO. 2364

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA TO PLANNED UNIT DEVELOPMENT (PUD/RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST LESTER ROAD, WEST OF VICK ROAD, COMPRISING 8.16 ACRES, MORE OR LESS AND OWNED BY COUNTRY CROSSING, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting for a public hearing.

Velva Peterson said she was a spokesperson for the Spring Ridge Homeowners Association and read a prepared statement wherein she said at the Planning Commission meeting on May 13, 2014, a spokesperson for Country Crossings, LLC implied they would be speaking with the Spring Ridge HOA to “share” their park/playground, as well as their retention area. She advised they had not been approached and would not be sharing these areas. She affirmed their residents oppose this proposed subdivision. Her written comments will be filed with the minutes.

TK Lewis said he was a bird enthusiast and part of the reason he likes living here is because of the City being a bird sanctuary. He had put in a request for a Sandhill Crane Crossing sign and thanked staff for getting this done. He requested Council to look into the matter of deforesting this area.

Edilio Guillermo thanked Mayor Kilsheimer and Commissioner Velazquez for their presence Saturday and supporting the Apopka High School Graduates where his daughter graduated. He stated before building his home on Mt. Logan Drive, he checked out other areas of the City and he liked this area and he did a lot of checking to make sure the street he built on was not going to be used as a main street. He said his family appreciates the habitat to the back of their home and do not want to see the wildlife disappear.

Shannon Marks said he was one of the owners of the subject property requesting the zoning change. He stated he was also a 15-year resident of Apopka and understands the passion everyone has for the City. He gave an overview of the request which is a change in zoning to

allow for 25 single family lots to be developed. The existing zoning allows for 29 dwellings. He advised originally the request was for 19 single family lots and due to the economy they did not move forward with the development. He pointed out the various sizes of the lots and how they transition on the map. He spoke regarding the wildlife and advised they have not disturbed the Gopher burrows. He affirmed they would not be pursuing a joint use of green space with Spring Ridge.

Allison Buchannon said the area to the right of the proposed development is a conservation area and this is near where she lives. She affirmed this area is so different from 2006 due to development. She stated the wildlife was being forced to find food and areas to survive. She asked that mitigation be considered and inquired if an environmental audit had been conducted and requested to see the report. She asked the Council to take all of this into consideration and to reconsider their decision.

Maria Holton said she was a resident of Orange County, and she was involved with many environmental groups and cares for the environment. She stated she was glad to see the City working on ecotourism and finds this to be contradictory to impact the wildlife in this way. She pleaded that they consider saving at least a small portion of this wooded area.

Brooke Tringali inquired if the City had gone over the Comprehensive Plan for future development regarding this parcel and how many acres or green space should be set aside versus how much for the population. She said she did not see any parks or green space in this area and suggested this be reviewed prior to approving this development.

No other's wishing to speak, Mayor Kilsheimer closed the public hearing.

Commissioner Arrowsmith discussed the number of homes in and around the area. He said he also grew up in Apopka and can remember when that whole area was orange groves or pasture. He spoke regarding property rights and if the established guidelines are met, they have the right to develop. In this situation it is twenty-five additional homes on this infill parcel, but they are being developed on larger lots. He said short of the Spring Ridge HOA purchasing this property for additional green space, they have to respect the property rights of the owners.

Mayor Kilsheimer advised this ordinance was just the rezoning, not the development.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to adopt Ordinance No. 2364, as recommended. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

2. RESOLUTION 2014-07 – Granting a non-exclusive franchise to Central Environmental Services, Inc., for roll-off container collection and disposal of waste in the City of Apopka.

The Deputy City Clerk read the title, as follows:

RESOLUTION 2014-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL ENVIRONMENTAL SERVICES, INC., 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 was made by Commissioner Velazquez and seconded by Commissioner Arrowsmith, to approve Resolution 2014-07. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

SITE APPROVALS - There were no site approvals.

DEPARTMENT REPORTS AND BIDS –

1. Discussion on Mayor's salary - Richard D. Anderson, City Administrator

City Administrator Anderson said staff has worked on the Mayor's salary for a number of weeks trying to determine what was fair and appropriate as the community moves forward. He stated the City Attorney was present to answer any questions and he affirmed the Ethics Commission had been contacted to determine if it was appropriate for the Mayor to vote on the issue. Their preliminary response has been received and everyone can vote on this matter.

City Attorney Kruppenbacher advised the Ethics Commission meets in two days and he is certain they will confirm what staff and general counsel has submitted to them.

City Administrator Anderson said the second matter is how to determine the Mayor's salary and according to the Charter, it is established by the budget during the budget process. He advised the last budget adopted allotted \$13,500 for the Mayor's salary and was adopted at that level in order to pay for Mayor Land's health insurance. He affirmed the Council has the ability and authority to amend the budget. He stated the appropriate amount was up to the Commission to decide. He went on to review a handout provided to Council for the City of Apopka Pay Classifications by fiscal years starting with 2008 up through the current fiscal year and reviewed the classification and pay range for the Mayor's salary. (A copy of this handout will be filed with the minutes.) The minimum ranges reviewed were: FY 2008 - \$90,700, FY 2009 - \$93,421, FY 2010 - \$96,224, FY 2011- \$99,111, FY 2012 - \$102,084, FY 2013 - \$105,147, and FY 2014 - \$108,301. He declared, for the sake of discussion, this was being looked at as Mayor of the City of Apopka, no personalities involved. It was being evaluated as any other position would be reviewed. He reiterated it was up to the Commission to make this decision and what they determine will be implemented. He stated that Mayor Kilsheimer has said all along that he just wanted what was fair, reasonable, and appropriate for the position.

In responding to inquiries by Mayor Kilsheimer and Commissioner Dean if he had a recommended number, City Administrator Anderson stated that, reasonably speaking, he felt the recommended number would be somewhere around the median range. He said he has provided

the best numbers he felt to be appropriate for the position and it is what the Commission feels to be fair and appropriate.

Commissioner Ruth commended City Administrator Anderson on his study. He requested to have the Clerk read from the Charter, Section 2.04, where it states the Mayor's duties and role. Following this being read, he said he felt it was important to understand that this was the scope for a strong mayor.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to set the Mayor's salary at \$150,000.

Commissioner Arrowsmith said the City has changed with this last election and we created a new position for the Mayor, which he felt was a public relations position. He stated we needed somebody that can represent us well and we have elected somebody that will represent us well. He said the nuts and bolts of the everyday running of the City is by the City Administrator which was placed in the Charter this past December. He declared that during the election anytime the Mayor's salary came up, they were told it was determined by the budget. He said, while he didn't think the Mayor should work for the \$13,500, he could not support the amount presented in any way.

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Commissioner Ruth said he did a lot of research regarding this and reviewed prior budgets and gave justification as to how he arrived at this figure. He referenced Orange County Mayor, Theresa Jacobs made \$154,000, the Mayor of Orlando, Buddy Dyer made \$170,000, and the Altamonte Springs Manager makes \$200,000 and acts as a Manager/Strong Mayor. He added that Ocoee and Winter Garden both make \$150,000 and he wanted the Mayor of Apopka to be on a level playing field when sitting at the table with other mayors. He reiterated this was not a ceremonial mayor, but a strong mayor.

Commissioner Dean said he agreed with Commissioner Arrowsmith and he could not support that number.

Mayor Kilsheimer opened the meeting to public participation.

Linda Laurendeau discussed commissioner and mayor salaries and referenced the amount these salaries would cost per resident. She said the qualifying fees were based on the salaries as adopted in the budget and this was known when deciding to run for office. She stated it was custom to show competence during a probationary period, but they wanted to go almost to the top. She declared, while \$13,500 was totally unacceptable, she could not support this proposed salary and felt that a starting fee for a public servant of around \$75,000 was more than enough.

Suzanne Kidd said both the Mayor and the City Administrator are part of the Charter and the Charter does not mention a ceremonial mayor versus a fulltime working mayor. She discussed the City Administrator's salary. She stated that while Mayor Land was not drawing a salary, he was receiving a pension. She said she agreed with Commissioner Ruth and wanted our Mayor to sit toe-to-toe with anybody else in the area.

Robert Webster spoke regarding an article he read in the paper on the amount of money being paid to people serving in this City. He said Mayor Kilsheimer should take it upon himself to set

up a salary scale that was reasonable. He stated anybody should recognize that \$13,000 was not a salary, it was just insurance, and someone receiving pension, and then giving them another job should be stopped. He declared a strong mayor does not need an administrator.

Michael Heaton said he read where there was going to be a public forum regarding the change in the liquor laws to sell on Sunday, yet if most were polled regarding that, they would all agree it should be allowed and it will build the tax base. However, we don't have a public forum coming up on the Mayor's salary and that was an item on which all could have a discussion about, as it would impact the tax base. He spoke on the salary and was against this amount and amending the budget.

Dr. Ray Shakelford said leadership skills, not salary was going to determine the success in the City of Apopka. He was a former Councilman and did not receive compensation; however, he felt the Mayor and Commissioners should get paid. He stated it must be an appropriate salary and they cannot compare what the Mayor of Apopka can make against the Mayor of Orlando. He expressed concern regarding Sunshine Law and the discussion of the \$150,000 salary. He also declared the referendum in December making the City Administrator a Charter position should be respected. He said he was in favor of an appropriate salary for the Mayor, but his druthers would be \$135,000. He declared we need to respect one another as moving forward as one Apopka.

Gregg Phillips said he was at the budget meeting with Commissioner McQueen brought up the salary of \$13,500 and Mayor Land himself said it was not going to be the salary. He stated this was a fulltime, strong Mayor and should be paid as such.

Vernon Brown said there appears to be two parties of politicians and stated the office of Mayor needs to have respect. He stated whatever the last in office received as a salary, this Mayor should receive. He declared the bickering among Apopka citizens needs to stop. He said an amount has been suggested and recommended, they should just pay the salary.

Doug Gondera said this talk of three percent increases seems to be unionization to him. He stated Apopka cannot be compared to South Florida. He said he did not know much about Sunshine Law, but the \$150,000 has been on social media for some time.

Alice Jacobs said she was embarrassed of what she was hearing. She said no one would work at a job for \$13,500. She declared this was a new beginning and we need to pay a fair salary.

Tenita Reid said they keep going back to the same thing. She said she loved Mayor Land, but we have to move on. She said with what was presented the \$150,000 was between the minimum and maximum and she was for this salary.

Pastor Doug Bankson said he loves Apopka and he is sure everyone in the room does, and we all have our perspective. He stated he supported Mayor Land during the election, but he believes Mayor Kilsheimer came in with his sleeves rolled up wanting to do the best for Apopka. He asked that the Council look at this reasonably with a new employee and based upon experience. He said he hopes the City moves forward in a fair and reasonable way, supporting the Mayor and keeping honor.

Marilyn McQueen said she was concerned on several levels, one being that Mayor Kilsheimer has chosen to stay and participate in this discussion rather than recuse himself. She stated while she personally believes \$13,500 to be way below what the salary should be, she felt one percent of the annual budget would be a worthy salary, along with documented expenses which in total would be approximately \$95,000. Being a newly elected official to the position, she felt this to be fair and reasonable, then the position and experience can be discussed each year with the budget.

James Pierce said we all wish success for the Mayor and Commissioners, but looking at the \$150,000 with three percent increases, we need to look at where this is headed. He stated the increases should not be automatic, but should be looked at and based upon doing a good job, which he feels the Mayor will do.

City Attorney Kruppenbacher clarified that there were no automatic three percent increases of any salaries.

Todd Bengtson suggested perhaps \$100,000 now, and then during the budget process looking at the \$150,000. He said everything seems to be moving in a good direction and he certainly didn't want the Mayor working for \$13,500.

Isadora Dean said she agreed with Dr. Shackelford, the Mayor deserves a fair salary, whatever that may be, but looking back at experience, she did not believe she could go for the high range, for the length of time in office. She reiterated, she felt the Mayor deserves a fair salary and said she feels he is doing a great job as being Mayor.

Paul Faircloth said this was new territory for the City. He suggested and encouraged they look at this and assume the possibility that we may have a new Mayor in four years so that this is not repeated. He said perimeters need to be established just like they would for any other city employee. He declared we have a lot of business to do in the City, and we need to discuss positive things going forward to make Apopka what it can be.

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

Mayor Kilsheimer said he thinks the salary of the Mayor belongs to the position, not necessarily to the individual. He declared that never in his lifetime would he be as qualified as Mayor Land was and that Mayor Land had extraordinary qualities and capabilities leading this city where it is today. He stated the position of Mayor of Apopka is governed by the Charter and the duties are as described within it. He said the salary should be commensurate with the duties as described in the Charter. He stated he is working every day 8:00 am. to 5:00 p.m. and beyond, and there will be situations where he will need to rely on staff because of the experience of staff. He affirmed that he did not pick the number, and he did ask staff, when he took office, to conduct some research to come up with a figure or recommendation that was fair, reasonable, and appropriate for the position of Mayor of Apopka. He said he understands this issue being a matter of great public interest and he appreciates everyone's comments.

Commissioner Ruth said he wanted to make sure everyone understood that the information he was supplied was from 2005 where the Mayor showed a salary of \$157,000. He stated he picked

a number that was commensurate to the other two cities closest to Apopka, Winter Garden and Ocoee. He reiterated that he wanted our Mayor to sit with equal people of this tri-city area.

MOTION carried with a three/two roll call vote with Mayor Kilsheimer, and Commissioners Ruth and Velazquez voting aye, and Commissioners Arrowsmith and Dean voting no.

MAYOR'S REPORT – No report.

OLD BUSINESS

1. **COUNCIL** – In response to a question by Commissioner Ruth, Mayor Kilsheimer advised he and Mr. Anderson had a meeting scheduled regarding the City's website.

2. **PUBLIC** - There was no old business from the public.

NEW BUSINESS

1. **COUNCIL** - There was no new business from the Council.

2. **PUBLIC** –

Dr. Eric Roach, Florida Greenz, LLC, spoke on the upcoming law regarding medical marijuana inquiring how the City plans to work with these new businesses.

City Administrator Anderson advised the City is on top of this issue and will have to wait until the State sets the rules and regulations that will govern those businesses.

Joyce Bocker announced that Foliage Sertoma Club is celebrating 40-years of service this year at Errol Estate Country Club and the entire Council is invited. She advised the public is invited to attend and may contact her at 407-889-5305 to make reservations.

Gregg Phillips announced Apopka Little League is hosting the 50/70 World Series Regional Tournament and said they would appreciate support from the Council and the public, and would appreciate help in raising the necessary funds.

Missy Touchet expressed concern regarding a letter received from the Orange County School Board requiring children to walk to school from their subdivision, crossing Highway 441 at the Vick Road extension.

City Attorney Kruppenbacher is going to check into this matter and see if any recourse is available.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 4:23 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Janice G. Goebel, City Clerk