

CITY OF APOPKA

Minutes of the regular City Council meeting held on May 21, 2014, at 8:00 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
John Peery - The Apopka Chief
Steve Hudak – The Orlando Sentinel

INVOCATION AND PLEDGE OF ALLEGIANCE – The Invocation was given by Pastor Jason Henderson of Grace Pointe Church. Mayor Kilsheimer said on Monday we will celebrate Memorial Day. He stated on May 5, 1866, the first Memorial Day was observed in Waterloo, NY, to honor local veterans who fought in the Civil War. Flags were flown at half-mast and businesses were closed in honor of the occasion. Around the same time throughout the country many other communities held memorial services to honor soldiers who had given their lives in the Civil War. A common practice among memorial observances was to decorate soldiers' graves with flowers which led to the day being commonly referred to Decoration Day. On May 5, 1868, Major General John A Logan of the Grand Army of the Republic, an organization of Union Veteran's established May 30th as Decoration Day and the first large observance that year was held in Arlington National Cemetery. After World War I, the day was expanded to honor soldiers who died in all American wars, and in 1971 Memorial Day was declared a National holiday by an act of congress and designated to be on the last Monday in May. He reminded everyone that this Monday, May 26th at 11:00 a.m. we will gather in Edgewood Cemetery to honor those service members who made the ultimate sacrifice for our freedom. He urged all to reflect on those who have given their ultimate in service to our country as he led in the Pledge of Allegiance.

PRESENTATIONS

1. Legislative Update – Senator Geraldine Thompson, Senator Alan Hays, Representative Bryan Nelson and Representative Randolph Bracy.

Senator Thompson gave a brief post session review and discussed some of her priorities with regards to legislation. She advised her senate district is District 12 which now includes Apopka following the redistricting. She said she introduced a bill that makes sure it is clear in the State of Florida that it is unlawful to discriminate against pregnant women, which prior to coming to the floor of the House, the Florida Supreme Court ruled that pregnancy was indeed covered. She also had a bill that provided for Farmer's Markets to accept EBT cards. She also introduced a bill that stipulated if convicted prior to 1980 you would not have to produce DNA to prove you are not

guilty. She discussed the case of James Joseph Richardson as an example, and advised this bill did pass. She affirmed she worked with Representative Nelson on the South Apopka Adult Community Education Center. The State of Florida is also working on agritourism, marketing farms and allowing people to come and gather crops, as well as marketing ecotourism and space tourism. She advised there was another attempt this year to repeal red light cameras. She stated she feels they are a deterrent, they change behavior causing people to slow down and there are fewer accidents. She further discussed the Florida Retirement System, as well as a bill that allows students who have attended Florida schools to receive in state tuition and not be penalized because of the immigration status of their parents, and budget appropriations for District 12.

Senator Hays said it was a privilege to serve the people of North Orange County and Apopka. He stated the proposed Springs bill did not pass, although they had a lot of amendments and rewrites, laying a good platform to pursue next year. He sponsored the Foreign Law American Courts bill that no foreign law will be imposed that will violate constitutional rights which passed. Another important bill he supported had to do with the evaluation of instructional materials by the school boards which passed and was signed by the Governor. Legislation was passed that significantly changes the Orlando, Orange County Expressway Authority as well as changing the name. Fee increased imposed several years ago on automobile registrations were also rolled back. He advised he serves on the Appropriation Committee and is very proud of the budget, which he gave an overview. He discussed a bill that protects the sovereign immunity of dentists treating indigent people.

Representative Nelson said he was elected in 2006 and this is the first budget since then that has been higher than when he first started. He stated as the economy worsened they could only afford critical needs and now government has become very efficient and there is money for projects. In the House they had \$400 million requests for water projects with only \$100 million to spend. He said as moving forward, he feels water projects will be based on water quantity, quality, or environment. He discussed an amendment to a medical bill with regards to treatment of indigent patients. He stated last year an issue that was vetoed by the Governor is the bike trail and in the budget this year is \$15 million to cover the gaps between Lake and Brevard counties, allowing for a continuous bike path. He sponsored the Expressway Authority Bill that will combine the Osceola Expressway Authority with Orange County Expressway Authority, and adding Lake and Seminole counties. This will make the Expressway Authority a more regional basis, as well as covering ethics issues. He said he was very proud to sponsor the Aaron Cohen bill which will increase penalties for those who leave the scene of an accident involving death or injury.

Representative Bracy said he represents South Apopka, Ocoee, portions of Winter Garden, and portions of Pine Hills. He discussed in-state tuition for folks who were not born here, but grew up here. He further discussed the "Charlotte's Web" bill with regards to the treatment of epilepsy in children by the treatment with cannabidiol. He said there was a film tax credit incentive program that didn't get funded and hopefully it will be revisited next year. He sponsored a 12 Juror bill for major felony cases which passed the first committee, but was not heard in the second committee. He affirmed he will be advocating this again next year. He declared that this year he turned his focus more toward the budget and worked with Representative Nelson on items that would help our district. He advised he will be holding a job fair for District 12 only on August 12th and he will be sending out more information on this at a later time.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on May 7, 2014, at 1:30 p.m.
2. Authorize the disposal of surplus equipment/property and removal of the surplus property from the fixed asset list.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the two items on 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

Mayor Kilsheimer said Ordinance Nos. 2359 - 2363 meet the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.

- 1. ORDINANCE NO. 2359 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Jeffrey B. Randazzo, from "County" Rural (1 du/1 ac) to "City" Residential high (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2359

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 (1 DU/1 AC) TO "CITY" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES, MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to Adopt Ordinance No. 2359. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

2. **ORDINANCE NO. 2360 - SECOND READING & ADOPTION - CHANGE OF ZONING - Jeffrey B. Randazzo, from "County" A-1 to "City" R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2360

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES, MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Dean, and seconded by Commissioner Ruth, to adopt Ordinance No. 2360. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

3. **ORDINANCE NO. 2361 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Robert Roach, from "County" Rural (1 du/10 ac) to "City" Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue (Parcel ID #: 22-21-28-0000-00-114)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2361

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 (1 DU/10 AC) TO "CITY" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES, MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to adopt Ordinance No. 2361. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 4. ORDINANCE NO. 2362 - SECOND READING & ADOPTION - CHANGE OF ZONING - Robert Roach, from "County" A-1 to "City" R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2362

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES, MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Velasquez, and seconded by Commissioner Ruth, to adopt Ordinance No. 2362. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 5. ORDINANCE NO. 2363 - SECOND READING & ADOPTION - CHANGE OF ZONING - Debra L. Jones; Steven P. Gill; and Apopka Gilkey, LLC, c/o Jason Gilkey, from R-1AA (0-5 du/ac) (Residential) and Planned Unit Development (PUD/R-2) (0-5 du/ac)(Residential) to Planned Unit Development (PUD/R-2) (0-5 du/ac)(Residential), for properties located east of Plymouth Sorrento Road, south of Schopke Road. (Parcel ID #s: 06-21-28-7172-15-090 & 06-21-28-7172-15-130)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2363

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA AND PLANNED UNIT DEVELOPMENT (PUD/R2) TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED EAST OF

PLYMOUTH SORRENTO ROAD, SOUTH OF SCHOPKE ROAD, COMPRISING 14.7 ACRES, MORE OR LESS, AND OWNED BY DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting for a public hearing.

Ron Landon inquired how this worked stating he did not understand how the PUD worked. He asked when this would be coming back to the city for development and how far away do they notify property owners. He further asked if a traffic study would be required.

City Administrator Anderson advised anyone within 300 feet of the development receives notice. The property is posted, as well as being advertised in the local newspaper. He explained PUD and the zoning allows additional requirements on the land. He affirmed this was already zoned for 56 units and will only be increased by 6 units.

Jerry Jones said she was the president of Plymouth Landings HOA, and they were concerned with the growth and the impact this will have on their community, especially with traffic.

City Administrator Anderson advised Plymouth Sorrento Road is regulated by the County and the city will be working with the County on improvements.

Jay Davoll, Community Development Director, advised part of the reason they went to PUD was due to the County requesting additional right-of-way for all projects being built along Plymouth Sorrento Road and this project is setting aside 30 feet for the future widening and sidewalk improvements.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to adopt Ordinance No. 2363. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

6. ORDINANCE NO. 2364 – FIRST READING – CHANGE OF ZONING – Country Crossings, LLC, c/o Mark Crone, from R-1AA (Residential) to Planned Unit Development (PUD/R-1AA) (Residential), for properties located north of West Lester Road, west of Vick Road. (Parcel ID # 29-20-28-0000-00-028).

Mayor Kilsheimer announced Ordinance No. 2364 does not meet the requirements for adoption, and will be held over for a Second Reading. The 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/R-1AA) 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.

Bob Curry said he was with the Oak Hill Reserve HOA which surrounds this proposed parcel and expressed concerns with the additional growth and overcrowding of Wolf Lake Elementary. He also asked to take into account the homes that do surround this being built are comparable to the property values of homes already there.

DJ Denmark spoke of concerns of this being a wooded area if any of the green will remain and if there will be a barrier or privacy fence.

Mayor Kilsheimer advised this will be addressed during the final development plan rather than the rezoning.

Belva Peterson spoke of concerns regarding the entrance to the subdivision being the small street she lives on, as well as privacy and the wildlife. She stated one of the Gopher turtle burrows appeared to have been purposely covered. She notified Fish and Wildlife who came out and will be writing a report on the area. She submitted her written comments requesting they be made a part of the record.

Eric Coleman spoke of traffic pattern concerns. He stated there was already a tremendous amount of traffic traveling on Lester Road and stated he understood there would be a traffic light going in at Lester and Vick Roads. He inquired if there had been a traffic study done of this area.

Mr. Davoll discussed the Lester Road improvements and advised in 2013 the daily traffic count of Lester Road was just over 3,000 with a capacity of 15,900. He advised each project is required to provide a traffic report and they keep track of the daily trips.

TJ Lewis said he was former president of the Country Crossings LLC, and he had met with the builders a few years ago regarding this zoning. At that time they were comfortable with it as they were going to develop 19 houses in a gated community. He also spoke of traffic concerns. He stated many of his neighbors received no notification. He expressed concerns regarding the Gopher tortoises, birds and wildlife.

Mayor Kilsheimer said he lives in Oak Hill Reserve and is also concerned with traffic on Lester Road. He affirmed the notice is required of anyone living within 300 feet of the affected area. He advised this is the first reading of the ordinance and it will be held over for a second reading.

Alison Buchanan said being raised in Apopka, she has seen a lot of change through the years. She also spoke of concern of the Gopher tortoises, traffic, and the beautiful panoramic view that will disappear.

Lisa Damino said this was not the Apopka she knows and remembers. She stated she was concerned with overcrowding of schools, traffic, and notification of the surrounding area. She said they needed a break on the building.

Stuart Harris said he was shocked at the requirement of notification being only 300 feet.

Nancy Davis said she lived in Country Crossings and she was not use to the zoning laws here. She inquired if this was going to be houses, apartments, or condominiums.

City Administrator Anderson advised this was a single family home development, maximum allowance of 25 homes under this zoning on 85 foot wide lots. He affirmed their initial development plan was for 19 homes.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2364, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

7. RESOLUTION NO. 2014-05 – Amending Ordinance No. 2109, Chapter 82-38, addressing Industrial and Commercial Pretreatment Guidelines.

The City Clerk read the title, as follows:

RESOLUTION NO. 2014-05

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE NO.2109, ARTICLE II, DIVISION I, CHAPTER 82, COMMERCIAL AND INDUSTRIAL PRETREATMENT GUIDELINES, SECTION 38.03, GENERAL SEWER USE REQUIREMENTS, PARAGRAPH 5(B), LOCAL POLLUTANT LIMITS, TABLE 3-1, LOWERING THE MAXIMUM UNIFORM CONCERNTRATION FOR CHLORIDE, TOTAL NITROGEN, AND pH; AND SECTION 38.07, REPORTING REQUIREMENTS, PARAGRAPH 4(C), PERIODIC COMPLIANCE REPORTS, TABLE 7-1, AMENDING THE MAXIMUM ALLOWABLE HEADWORKS LOADING FOR CHLORIDE AND TOTAL NITROGEN; AND PROVIDING FOR AN EFFECTIVE DATE.

City Administrator Anderson explained these were new requirements by the Florida Department of Environmental Protection the City must comply with.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to adopt Resolution No. 2014-05. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

SITE APPROVALS

- 1. REVISED DEVELOPMENT PLAN – Belmonte Reserve Subdivision, owned by K. Hovnanian Belmonte Reserve, LLC, c/o Heather Himes, Esq., Akerman, LLP and the engineer is The Civil Design Group, Inc., c/o William C. Fogle, property located south of Lester Road and east of Stoneywood Way at North Fairway Drive. (Parcel ID No. 32-20-28-0000-00-006)**

Jay Davoll, Community Development Director, gave an overview of the project with requested variances. He advised the Development Review Committee recommends approval of Belmonte Reserve along with variances, and the Planning Commission voted 5/1 to recommend approval of the revised Belmonte Reserve plan. (The staff report is incorporated into, and made a part of these meeting minutes.)

Mayor Kilsheimer opened the meeting for a public hearing.

Bob Curry inquired if this was a Town Home community or apartments. He also asked for consideration of the impact to schools.

Mayor Kilsheimer affirmed these were Town Homes.

Heather Himes, Attorney for the applicant, requested approval of the staff recommendation, and said they were present to answer any questions.

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

MOTION was made by Commissioner Dean, and seconded by Commissioner Arrowsmith, to approve the Revised Development Plan for the Belmonte Reserve Subdivision, as recommended. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

- 2. FINAL DEVELOPMENT PLAN – Taco Bell, owned by Special K Enterprises, LLC, c/o James P. Whelan, the engineer is Cornelison Engineering & Design, Inc., c/o Craig L. Cornelison, P.E., property located at 1154 Rock Springs Road (formerly Brusters Ice Cream) (Parcel ID # 33-20-28-0000-00-117)**

Jay Davoll, Community Development Director, gave a brief overview of the project stating this building has been empty since 2009. He advised they are requesting a waiver request for hours of operation. He advised the Development Review Committee recommends approval of the Final Development Plan and the Planning Commission voted 6/0 approval with waiver and variance request. (The staff report is incorporated into, and made a part of these meeting minutes.)

In response to questions from Commissioners Arrowsmith and Ruth, Mr. Davoll advised there were inlets in place to catch overflow, but they would check into this. He further advised the site lighting was in place and street lighting was not required.

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

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve the Final Development Plan for Taco Bell, as recommended. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

DEPARTMENT REPORTS AND BIDS - City Administrator Richard Anderson said his report was before the Council. He pointed out the EMS calls are up approximately 10% over last year. He reported he and the Mayor met with Mr. Deck of Congressman Mica's office and continues to work with them. There have been discussions with the County on expansion of the Enterprise Zone on Bradshaw Road and on the east side of 451. He advised they are also going to try and include the Town Center area and around Martin's pond.

MAYOR'S REPORT - Mayor Kilsheimer reported the following:

- Received a thank you note from Betty Land for the bouquet of flowers presented to her at the Council meeting April 16, 2014.
- The first Mayor's Task Force meeting was held on May 15, 2014 with 13 members attending in an advisory capacity to create a feedback loop regarding issues facing Apopka. The next meeting is scheduled for June 12, 2014 at 9:00 a.m. One of the topics discussed was Sunday alcohol sells. There will be a Community Forum held June 24, 2014, 7:00 p.m. at the VFW Community Center.

OLD BUSINESS

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

2. **PUBLIC** – Suzanne Kidd said she waited to speak tonight to see if anything was going to be said regarding the question of progress toward the salary for our Mayor. Having heard none, she stated at the last Council meeting the City Attorney said there was nothing in the City Charter that prohibits the Mayor from voting on the salary. She further stated Florida Statute 112.313 also states public officers are not prohibited from voting on a matter affecting their salary. She said the City Attorney did recommend contacting the State Ethics Commission with regards to this matter. She inquired what date the letter was sent and have they responded.

City Attorney Kruppenbacher said it was his opinion that the Mayor had the right under Florida Law to vote on a salary issue. He advised the Mayor, that because there had not been an opinion rendered by the Ethics Commission or their staff on this topic, he could not shield him from someone filing a complaint to the Ethics Commission which is why he suggested this. He advised today they released staff's draft opinion saying he was legally right. This will go on to be

voted as a formal issued opinion from the Commission on Ethics on June 6, 2014. He suggested it could be on the agenda for June 4th.

Isadora Dean applauded the Mayor for establishing the Mayor's Task Force. However, she asked if the meetings were open to the public and inquired when and where they were held.

Mayor Kilsheimer spoke in the affirmative, advising the next meeting is scheduled for June 12, 2014 at 9:00 a.m., if possible, in the conference room.

City Administrator Anderson advised the meeting will be posted the same as other meetings and it will also be on the city website.

Ms. Dean inquired if members of the Council were asked to nominate someone to be on the committee as a way to promote unity.

Mayor Kilsheimer stated this is the Mayor's Task Force, which he initiated on his own to advise the Mayor of strategic issues facing the City. He affirmed he did go about trying to choose a broad section of representatives from the Apopka community. He reviewed the makeup of the committee.

Ms. Dean discussed committees/boards she would like to see established.

Ray Shackelford said the bottom line is that if concerned about unity, then it must start at the top. He declared it would have been nice to have reached out to all commissioners for representation on the task force. He thanked the City Attorney for making every effort to clear the Mayor of any potential concerns regarding his salary, which he believes he deserves.

NEW BUSINESS

1. PUBLIC – Ron Landon said it was stated several times tonight that 300 feet notice is ridiculously small. He inquired how we can change that and make it more.

Mayor Kilsheimer said this discussion can start at staff level and a recommendation be brought to the Council to be discussed in public.

City Administrator Anderson advised these were state guidelines required to be followed.

Mr. Landon affirmed they have done a great job with getting the agenda on the internet and inquired if the budget information would be posted as well.

Mayor Kilsheimer advised Mr. Anderson has the budget process well underway at staff level and will be forthcoming to the Council.

Joe Washington inquired when Plymouth would be fully annexed into the City.

Mayor Kilsheimer advised land must be contiguous to the boundaries of the city in order to be annexed.

Trevor Walfall said diversity was spoken about earlier and one reason Mayor Kilsheimer became Mayor is the diversity of Apopka. He stated he would like to see a few of the Caribbean people appointed to the Task Force.

Mayor Kilsheimer said with the Mayor's Task Force he desired to create a group that was effective and conclusive at the same time. He stated it is hard to create one body that represented everybody, yet at the same time was small enough to have effective discussions. He affirmed that clearly the theme throughout is that more people want to have a say in what is going on in the City of Apopka. He said they need to create more opportunity for public input and feels it is great that more people are taking an active, passionate, interest in what is going on here.

2. COUNCIL – Commissioner Dean expressed a concern of the red light at Bradshaw and 441 asking Chief Manley to check into a turn signal at that intersection.

Commissioner Ruth said navigating the city's website was easier to maneuver and made some suggested improvements.

Mayor Kilsheimer advised he and City Administrator Anderson will be working on the website.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 10:35 p.m.

ATTEST:

Joe Kilsheimer, Mayor

Janice G. Goebel, City Clerk