

CITY OF APOPKA

Minutes of the City Council regular meeting held on May 17, 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: Teresa Sargeant - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Pastor Joe Bankson of Victory Church World Outreach Center, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on May 21, 1881, humanitarians Clara Barton & Adolphus Solomons held the first organizational meeting of the American National Red Cross, which provides aid to victims of wars and natural disasters. Clara Barton, well known for her work with the sick and wounded during the American Civil War, became known as the “Angel of the Battlefield” for her dedication. She was in Europe in 1870, when the Franco Prussian War broke out and went behind enemy lines to work for the International Red Cross. This experience inspired her to organize the American branch of the International Red Cross. Since its inception, the American Red Cross has provided humanitarian aid and relief to countless soldiers and civilians in the wake of war and disasters. He asked everyone to reflect upon the bravery and selflessness of those who dedicate their time and effort to render aid to their fellow man in times of crisis as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council regular meeting April 19, 2017.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve the regular City Council minutes of April 19, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: Mr. Irby advised the applicant for the Sandpiper Road Subdivision has requested this item be postponed to a date certain.

MOTION by Commissioner Dean and seconded by Commissioner Bankson to move the Sandpiper Road Subdivision Final Development Plan/Plat to June 7, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Rod Love said he was here to address a few issues, one being the issue of fairness, integrity, and obligation. He stated he was looking forward to the Council preserving the integrity of the taxpayers of the City, and preserve the integrity of City Hall. He said he was disliking the policies and the practices that are taking place. He said his issue was that not one person can see what the problem is with setting up a business with a company ten days prior to going into the legislative session, and a company that has come before this Commission twice and received two no bid contracts. He stated he was looking toward the leadership of Council to at least hold a conversation about this. He said he did a public records request regarding a bid the City put out, rejected the sole bid, then according to the Statute, they were to concurrently issue the intent to reissue the bid, which was done nine days after. He advised the City will not release the sealed bid. He stated he was asking that City Council take its obligation serious and look back at the practices.

Ray Shackelford called upon City Council to allow the citizens of Apopka to determine whether or not a full-time CEO should reside in the City of Apopka. He spoke of fiscal integrity and said the "A" program has received funds without going through a bidding process. He stated the only other marketing firm to have received this amount without a bidding process was also a Board Director for the same foundation overseeing the "A" program and asked if this was so, why. He expressed concern with the bidding process and that they need to make sure this is fair to all concerned. He called upon City Council to support the 25% fund balance proposed by Commissioner Bankson. He again called upon City Council to utilize the \$150,000 for the cancelled Gospel Fest to waive recreation fees for Apopka sports teams. He stated the Commissioners and Mayor were here to serve the people and not to show disrespect to our tax money. He called upon the Council to come together as one Apopka and do what is best for all communities and people.

Proclamations:

1. National EMS Week Proclamation presented to Chief Charles Carnesale.

Mayor Kilsheimer read a proclamation recognizing National EMS Week and presented it to Chief Carnesale and members of the Fire Department.

BUSINESS

1. Final Development Plan/Plat – Vistas at Waters Edge

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

David Moon, Planning Manager, provided a brief lead-in. He said the site contains 4.5 acres located at Harmon Road and Binion Road. There are 143 lots within the subdivision comprised from 7,500 sq. ft. to 2,400 sq. ft. Amenities include a cabana and pool house, bicycle trail along the roadway, as well as open space tracts along the St. Johns River Water Management District property. City Council approved the preliminary development plan on December 21, 2016. Planning Commission met on May 6, 2017, and found the final development plan consistent with the Land Development Code and recommends approval.

David Stokes, representing the applicant, said they agree with the staff report and are available for any questions. In response to questions from Commissioner Becker regarding the external

wall material, Mr. Stokes advised it was a combination of fence and a wall.

Mr. Moon advised the material facing the roadway was a wrought iron fence with brick columns every 35 feet. He advised the LDC would allow a property owner to have a wood or vinyl fence.

Mr. Stokes advised the applicant was agreeable to add a condition to the HOA documents regarding no wood or vinyl fence to lots backing up to Binion Road.

Mr. Moon clarified the applicant was agreeable to add a condition that there will be no wood or vinyl fence along the rear property line of lots that abut the TR1 and TR2 buffer tract along Binion Road. He advised for a typical residential subdivision, the code requires a 10 ft. landscape buffer with a brick wall. In discussions and negotiations with the developer, they agreed to provide a 30 ft. buffer along Binion Road in which they are including an 11 ft. bicycle trail that they will construct. They are only required by code to put in a 6 ft. sidewalk.

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 the Final Development Plan/Plat of Vistas at Waters Edge with the condition that any residential lot with a rear yard facing Binion Road will not be allowed to have a wood or vinyl fence along the rear property line.

MOTION by Commissioner Becker to reconsider. Motion failed due to lack of a second.

2. Final Development Plan/Plat – Sandpiper Road Subdivision –Postponed to June 7, 2017.

CONSENT (Action Item)

1. Authorize a Reclaimed Water Main Oversizing Agreement with Silver Oak Subdivision.

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

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2564 – Second Reading – Kelly Park Crossing DRI 1st Amendment. - The City Clerk read the title as follows:

**ORDINANCE NO. 2564
KELLY PARK CROSSING
DEVELOPMENT OF REGIONAL IMPACT, FIRST AMENDMENT**

**THIS FIRST AMENDMENT TO THE KELLY PARK CROSSING
DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER IS**

MADE AND ENTERED INTO BY AND BETWEEN THE CITY OF APOPKA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AND ROCHELLE HOLDINGS,LLC, A FLORIDA LIMITED LIABILITY CORPORATION ORLANDO, FLORIDA; AMENDING AND REPLACING ORDINANCE NUMBER 2230.

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

David Moon, Planning Manager, said there have been no changes since the last hearing.

Jeff Welch, Rochelle Holdings, LLC, thanked staff for putting this together and said he and Joel Ivey were present to answer any questions.

In response to Commissioner Velazquez inquiring about extending the expiration date, Mr. Welch said the expiration date would have been December 31, 2016, but it was automatically extended to August 4, 2018, by the Department of Economic Opportunity due to events that happened during the term of this DRI. Mr. Ivey further explained the original DRI was approved in 2011 and due to circumstances of the Wekiva Parkway being delayed and the Form-Based Code having not been adopted, among other issues, such as the size of the development, necessitates the extension which is twenty years.

Mayor Kilsheimer opened the meeting to a public hearing.

David Emmel said he is not against the DRI and was not trying to stop it. He stated what he is against is the embedded roadway conditions. He said the last meeting determined the DRI performance can mandate any roadway improvements by the traffic count based on 2009, 2011 numbers. He reviewed three documents, one he said shows the DRI accounts for less than 20% of the Form-Based Code area, stating it should not be considered in improvements or the timing. He showed another document indicating the original Form-Based Code area, stating it was expanded to equate to 7.1 square miles, doubling the original area. He stated the next document shows how the roads and residences will be impacted in the area, stating all development is in the internal area and all roads and residences around the perimeter will bear the major impact. He requested the current monitoring and modeling before the Commission approves this amendment and wants it based on current conditions rather than the obsolete 2009, 2011 statistics.

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. 2564. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Ordinance No. 2566 – Second Reading – Comprehensive Plan – Small Scale Amendment.**
The City Clerk read the title as follows:

ORDINANCE NO. 2566

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 “CITY” RESIDENTIAL MEDIUM (0-10 DU/AC) TO “CITY” OFFICE (MAX. 0.3 FAR) FOR CERTAIN REAL PROPERTY LOCATED AT E 7th ST, COMPRISING 0.30 ACRES MORE OR LESS, AND OWNED BY COMMUNITY HEALTH CENTERS, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 adopt Ordinance No. 2566. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. **Ordinance No. 2567 – Second Reading – Change of Zoning.** The City Clerk read the title as follows.

ORDINANCE NO. 2567

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “CITY” R-3 (RESIDENTIAL) TO “CITY” PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING .30 ACRES, MORE OR LESS, AND OWNED BY COMMUNITY HEALTH CENTERS, INC.; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

Elizabeth Florence, Planner, advised there have been no changes since the last hearing.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to adopt Ordinance No. 2567. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. **Resolution 2017-11 – Complete Streets Program.** The City Clerk read the title as follows:

RESOLUTION NO. 2017-11

A RESOLUTION TO ESTABLISH A “COMPLETE STREETS POLICY” TO INTEGRATE BICYCLING, WALKING, AND PUBLIC TRANSIT WITH THE CITY’S TRANSPORTATION PROGRAMS, PROJECTS, POLICY INITIATIVES, GOALS AND OBJECTIVES; PRESENTING GUIDELINES FOR ROUTINELY INCORPORATING COMPLETE STREETS INTO PRACTICE AND TO REPORT ANNUALLY ON COMPLETE STREETS IMPLEMENTATIONS.

Jim Hitt, Community Development Director, said the Complete Streets Program is something that has been taking off across the nation. FDOT and MetroPlan Orlando have been working with a model ordinance so that municipalities can utilize the Complete Streets Program. He explained this idea is to offer a interconnectivity network throughout cities that provide anywhere from sidewalks, to better landscaping, property street layouts, and lighting to make a safe path for pedestrians and traffic, whether it is cars, or transit for mobility. This is the first step in recognizing this program in the City of Apopka. The next steps will entail getting Land Development Code amendments to go into a policy to help promote the Complete Streets Program.

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 Resolution No. 2017-11 establishing a Complete Streets Policy. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

ITEMS NOT REQUIRING ACTION

1. New Barbeque competition opportunity.

Chief Carnesale said this event was going to be held in Davenport and they were unable to put on the event this year. The Florida Barbeque Association reached out to John Hanson to inquire if the City of Apopka would be interested in holding a second event. He advised the registration fee will cover the costs.

CITY COUNCIL REPORTS –.

Commissioner Dean remarked on Mr. Love’s and Dr. Shackelford’s comments regarding Apopka Begins and Ends with an “A” program, stating he thinks the taxpayers money should not be given to people who have no experience in the educational field.

Mayor Kilsheimer said the community action teams meeting at each of the individual schools are reporting a lot of progress. He stated Apopka Begins and Ends with an “A” is a communitywide effort towards improving the reputation and perception of public education in Apopka, which will help advance the reputation of the City of Apopka over the long term. He said each school has

demonstrable progress that will be reported to Council by the people who are conducting the program.

Commissioner Dean said he has not had a positive review from Wheatley Elementary with regards to this program.

Commissioner Bankson said there were two issues going on. He said this was a program that was voted on during the last budget and he was not for it. He stated legal has opined the right for the Mayor to pursue this new position, but it creates a cloud and this is part of the concern.

Mayor Kilsheimer said he needs to be judicious with regards to the ethics issue. When he was notified it had been filed, it clearly noted it was confidential, however, he stated he opted to say something first prior to this being in the media. He has engaged an attorney in Tallahassee that he is personally paying for who has advised him that the filing of ethics complaints is a tried and true political tactic in the State of Florida. This attorney has advised him, after reading the file that he believes the Ethics Commission will rule favorably.

MAYOR'S REPORT – Mayor Kilsheimer noted the great success with the Philharmonic Orchestra concert on Saturday.

Mayor Kilsheimer reported they needed to discuss the Mayor Land statues. He stated the standing statue to be placed at City Hall is 98% complete. The last time this was discussed, it was the City Council's direction to seek the family's input regarding where the standing statue will be placed. He said Commissioner Bankson has talked with the family and their preference is for the statue to be placed directly out the front door facing the flag. He stated we need to have this in writing within the next two weeks prior to delivery.

Commissioner Bankson advised a letter is to be forthcoming.

Mayor Kilsheimer said the artist on the seated statue has completed the life size clay figure of Mayor Land seated on a park bench. Each Council member has been invited to go view this rendering.

ADJOURNMENT – There being no further business the meeting adjourned at 3:59 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk