

CITY OF APOPKA

Minutes of the regular City Council meeting held on March 15, 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
Steve Hudak, Orlando Sentinel
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Pastor Jason Henderson of Grace Pointe Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said in a letter dated March 31, 1776, Abigail Adams counseled her husband, John Adams, and the members of the Continental Congresses not to forget about the nations women when fighting for independence. She went on to write, “...remember the ladies, and be more generous and favorable to them. We will not hold ourselves bound by any laws in which we have no voice or representation...” The Letter, written nearly 150 years before the passage of the 19th Amendment, giving women the right to vote is viewed as a private first step in the fight for equal rights for women. He asked everyone to reflect upon the pioneering spirit of Abigail Adams and the generations of women who followed to challenge conventions and create opportunities for women as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES

1. City Council regular meeting February 15, 2017.

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

AGENDA REVIEW: Glenn Irby, City Administrator, advised staff is requesting to pull Item 5 from the Consent Agenda.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Robert Charles Brooks, Wekiwa Springs State Park, was present to announce and invite the public to two public hearing meetings on the presentation of the proposed management plan for Wekiwa Springs State Park, Rock Springs Run State Reserve, and Lower Wekiva River Preserve State

Park. The public hearings will be held on Wednesday, March 29, 2017, at Sorrento Elementary School, and March 30, 2017, at Wekiwa Springs State Park Youth Camp Recreation Hall, both from 5:00 – 7:00 p.m.

Proclamation:

Mayor Kilsheimer read a proclamation recognizing the men's Wekiva High School basketball team for playing in the 2017 Florida High School Athletic Association Basketball Class 9A State Championship game where they brought home the State Runner-up title. He declared March 15, 2017 as Wekiva High School Basketball Team Day in the City of Apopka. The Commissioners joined Mayor Kilsheimer in congratulating the coaches and team members of the Wekiva High School men's basketball Team.

Public Comment (cont.):

Ray Shackelford said he was appalled that the main pictures on the City's website do not reflect the diversity of Apopka. He stated the City continues to promote taxation without representation for diversity, including the performers at the Old Florida Outdoor Festival. He inquired when the public would see a fiscal report on the Old Florida Outdoor Festival. He also inquired about a fiscal report for the Apopka Begins and Ends with "A" program. He stated the school district has an outstanding school volunteer program. He said the school advisory councils, PTO, PTA, and PTSA need resources to support the school improvement plan and homeless children. He said anyone whose name is referenced during comments should be given an opportunity to respond. He again called upon Council to support the 25% reserve fund balance and to use some of the monies budgeted for the Gospel Festival to waive recreation youth sports fees. He applauded the ongoing discussion to promote and protect the public effort of our citizens related to the wastewater treatment plant and Anuvia.

Rod Love said he was usually one of the biggest critics as it relates to advocacy and fighting for what is right. He said he wanted to publicly recognize the City Administrator and CRA Director, stating he met with them last week regarding Community Redevelopment. He said this was a productive meeting and it was appreciated. He stated he looked forward to more exchange of ideas and communication in the future.

CONSENT (Action Item)

1. Authorize support services for the 56th Annual Art & Foliage Festival.
2. Authorize an agreement for tennis instruction.
3. Approve and authorize execution of the Vistas at Waters Edge School Concurrency Mitigation Agreement.
4. Award a contract for CMAR Construction Services to Garney Construction Company.
5. Approve and authorize first amendment to the Sensus Agreement to allow for Consumer Portal.
6. Award a bid to Fred Fox Enterprises, Inc. for the Community Development Block Grant Administrative Services.

Item 5 was pulled from the consent agenda.

Item 2 was pulled for discussion and a separate vote.

MOTION by Commissioner Velazquez, and seconded by Mayor Kilsheimer, to approve Item 2 on the Consent Agenda. Motion carried 3-2 with Mayor Kilsheimer, and

Commissioners Velazquez, and Bankson voting aye, and Commissioners Dean and Becker voting nay.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve items 1, 3, 4, and 6 on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

BUSINESS

1. Final Development Plan – Raynor Shine Recycling Solutions – 100 & 126 Hermit Smith Road

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

Jim Hitt, Community Development Director, provided a brief lead-in advising this was an existing use of mulch manufacturing, warehouse and office with a future land-use of industrial. He advised the zoning is PUD\I-2 Industrial over 19.4 acres. The Final Development Plan proposed two new buildings containing 8,000 sq. ft. and 12,000 sq. ft. The property owner intends to use the site for a mulch production manufacturing operation with the site development proposed to occur in five phases. DRC finds this to be consistent with the PUD Master Plan\Preliminary Development Plan and recommends approval.

Robert Harding with Gray Robinson said they have no objections to staff recommendations.

Mike Dinkel, applicant, in response to questions by the Council, Mr. Dinkel advised there were no bad odors with the operation of grinding up pine and oak wood. He said when the product is processed there is almost no dust and stated they do screen the grinder. He said they were still growing and they currently have fourteen Apopka residents that work there and advised it was in their best interest to have local employees.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid expressed concern regarding a fire breaking out with the piles of mulch.

Mr. Dinkel said they turn the mulch very quickly. He said if mulch sits long periods of time, it does decompose and creates heat while decomposing. They do get sensor readings and wet the top that filters down cooling it. He advised they have worked with the Fire Department and have precautions in place, as well as hydrants on site.

Veronica Rogers inquired if the jobs were temporary, part-time, or full-time. She also asked if they were willing to give back to the community and schools.

Mr. Dinkel advised most of their jobs are full-time and they do contribute back to the schools, stating they have mulched schools at no charge.

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

MOTION by Commissioner Becker, and seconded by Commissioner Dean to approve the Final Development Plan for Raynor Shine Recycling Solutions. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Final Development Plan – Qorvo (a.k.a. Triquint Semiconductor, Inc.) Site Expansion

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

Jim Hitt, Community Development Director, said this was a Final Development Plan for a major expansion for Qorvo. He reviewed the location on a map, stating the zoning was I-1, Restricted Industrial. The expansion is for a professional office for the semiconductor production. The Planning Commission and DRC recommend approval.

Jaymie McCoy of Qorvo was present to answer any questions.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve the Final Development Plan for the Qorvo Site Expansion. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

- 1. Ordinance No. 2555 – Second Reading – Comprehensive Plan – Small Scale Amendment.** The City Clerk read the title as follows:

ORDINANCE NO. 2555

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” AGRICULTURE (1 DU/5 AC) FOR CERTAIN REAL PROPERTY LOCATED AT PLYMOUTH SORRENTO ROAD, COMPRISING 4.01 ACRES MORE OR LESS, AND OWNED BY SMITH FAMILY REVOCABLE LIVING TRUST; 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 Becker, to adopt Ordinance No. 2555. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Ordinance No. 2556 – Second Reading - Administrative Rezoning – Quasi-Judicial.**
The City Clerk read the title as follows:

ORDINANCE 2556

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 4.01 ACRES, MORE OR LESS, AND OWNED BY SMITH FAMILY REVOCABLE LIVING TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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 Dean, to adopt Ordinance No. 2556. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. **Ordinance No. 2557 – Second Reading - Administrative Rezoning – Quasi-Judicial.**
The City Clerk read the title as follows:

ORDINANCE NO. 2557

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 2.10 ACRES, MORE OR LESS, AND OWNED BY MARY M. ASHBURN BALLINGS; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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 Bankson, and seconded by Commissioner Becker, to adopt Ordinance No. 2557. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. **Ordinance No. 2558 – Second Reading - Administrative Rezoning.** The City Clerk read the title as follows:

ORDINANCE NO. 2558

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 927 ACRES, MORE OR LESS, AND OWNED BY TIITE/DEP; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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 Becker, to adopt Ordinance No. 2558. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. **Ordinance No. 2561 – Second Reading - Comprehensive Plan – Capital Improvement Element – Legislative.** The City Clerk read the title as follows:

ORDINANCE NO. 2561

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; INCORPORATING AN AMENDMENT TO THE CITY’S FIVE YEAR CAPITAL IMPROVEMENTS PLAN; 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 Becker, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2561. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. **Ordinance No. 2562 – Second Reading - Comprehensive Plan – Small Scale Amendment – Legislative.** The City Clerk read the title as follows:

ORDINANCE NO. 2562

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” LOW DENSITY RESIDENTIAL, (0-4 DU/AC) TO “CITY” OFFICE (MAX. FAR 0.30), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF SOUTH PARK AVENUE AND NORTH OF RAND COURT, COMPRISING 0.82 ACRES MORE OR LESS, AND OWNED BY APOPKA HOLDINGS, LLC;

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 Bankson, and seconded by Commissioner Dean, to adopt Ordinance No. 2562. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

7. **Ordinance No. 2563 – Second Reading - Change of Zoning – Quasi-Judicial.** The City Clerk read the title as follows:

ORDINANCE NO. 2563

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-3 (RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (PUD-PO-I); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF SOUTH PARK AVENUE AND NORTH OF RAND COURT, COMPRISING 0.82 ACRES MORE OR LESS, AND OWNED BY APOPKA HOLDINGS, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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. 2563 at Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

Commissioner Bankson expressed concerns about the Water Treatment Plant and stated it has become more apparent as this has been further studied that it does not appear that Anuvia has not exceeded their parameters. He expressed concerns and said there were some very important areas that need to be looked into, as well as his concerns in spending other monies and not knowing where this will end up.

Glenn Irby, City Administrator, said there seems to be confusion as to reserves. He advised this was a secondary set of reserves that is just for wastewater. He advised in water and wastewater

alone, the City has more than 365 days of reserves, which is well above the 25%. The concerns expressed have been with the general fund reserves.

Mayor Kilsheimer advised the general fund reserve is about 20% of the general fund budget and that exceeds the two months of spending that is the FGOA recommendation. He reiterated, in terms of where the money will come from for the water and wastewater facility, our reserves are more than a year's worth.

Commissioner Bankson said we know by our own monitoring wells that there has not been anything that has leached into the water system. He asked what the possibilities were that it could.

Kevin Burgess, Assistant Public Services Director, said we continue to regularly sample all of our monitoring wells around the site and we are showing declines. He advised the City has two drinking water wells at the Sheeler Oaks Water Plant that are relatively close in proximity, and these water wells are 1,250 feet deep in the lower aquifer. There are also drinking waterwells at the Grossenbacher water plant, Mount Plymouth Lakes water plant, and Plymouth Regional water plant.

Mayor Kilsheimer pointed out how deep the drinking water wells are, as well as the limestone layers, and two layers of clay between the limestone layers, so there is no geologic possibility any water from our wastewater plant will affect the city's main drinking water supply.

Mr. Burgess responded in the affirmative. He said the water would treat itself as it travels to the aquifer. He advised the monitoring wells run 75 to 95 feet deep and residential wells would be much deeper. He advised that as of 5:30 p.m. this evening, the wastewater plant has recovered and the reclaimed water was back to 100% public reuse.

Mayor Kilsheimer responded to Commissioner Dean's inquiry of when the Old Florida Outdoor Festival financials would be available, by stating it would be made available tomorrow.

MAYOR'S REPORT

Mayor Kilsheimer said a discussion was started at the staff level regarding starting Council meetings at 6:00 p.m. He stated he would like to have Council consider in the future having the third Wednesday Council meeting begin at 6:00 p.m.

Mayor Kilsheimer said he would like to end a lot of speculation. He said it seems campaign season is upon us and he announced that he would be a candidate for reelection for Mayor next year.

Commissioner Velazquez said she also would be running for reelection next year.

Mayor Kilsheimer reported Friday night was the Charlie Daniels concert at the amphitheater. The promoter of this concert is excited about other possibilities at the Apopka amphitheater. He further announced the Easter Eggstravaganza is on April 15, 2017.

ADJOURNMENT – There being no further business the meeting adjourned at 8:58 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk