CITY OF APOPKA

Minutes of the regular City Council meeting held on March 2, 2016, 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
City Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief
Dale Fenwick, The Apopka Voice
Bethany Rodgers, Orlando Sentinel

INVOCATION: Commissioner Ruth introduced Mark Lowry, Grace Pointe Community Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on March 1, 1961, President John F. Kennedy issued an executive order establishing the Peace Corps, following up on his inaugural address wherein he challenged America's youth to "ask not what you country can do for you; ask what you can do for your country." The program was designed to promote world peace and friendship by sending trained American volunteers to foreign nations to assist in development efforts. In all, more than 180,000 Americans have joined the Peace Corps since 1961, serving in 134 nations. He asked everyone to reflect upon the selflessness of the Peace Corps volunteers, who have helped promote peace through service to others as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council Workshop meeting January 15, 2016.
2. City Council Special meeting January 15, 2016.
3. City Council Regular meeting February 17, 2016.

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to approve the January 15, 2016 Workshop, January 15, 2016 Special meeting, and February 17, 2016 City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

PUBLIC/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Proclamations:

1. Art & Foliage Festival Weekend Proclamation – Mayor Kilsheimer read a proclamation acknowledging the Art & Foliage Festival and presented it to the Apopka Woman's Club.

Employee Recognition:

1. **John Hanson – Community Development/Building – Ten Year Service Award -** John began working for the City on February 13, 2006, as a Multiple Code Inspector, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating John on his

years of service to the City.

Susan Reed – Public Services/Waste Water Plants – Ten Year Service Award - Susan started working for the City on February 20, 2006, as an Assistant Laboratory Technician. On November 2, 2009, she was promoted to Laboratory Technician. Susan was promoted to Lead Laboratory Technician on June 30, 2013, and was reclassified on September 13, 2015, to Environmental Specialist I, which is her current position. Susan was not present and her award will be presented to her at another time.

2. **Vicky Carnicella – Fire Department/Fire Chief's Office – Ten Year Service Award -** Vicky began working for the City on February 21, 2006, as Administrative Assistant in the Mayor's office. On February 21, 2007, she was reclassified to Assistant to the Chief Administrative Officer. On June 29, 2015, Vicky was reclassified as the Assistant to the Fire Chief, which is her current position. The Commissioners joined Mayor Kilsheimer in congratulating Vicky on her years of service to the City.

3. **William Sein Perez – Public Services/Facilities Maintenance – Ten Year Service Award -** William started working for the City on February 27, 2006, as a Maintenance Worker I in Recreation. He was promoted to Maintenance Worker II on February 5, 2012. On September 28, 2014, William was promoted to Facilities Maintenance Worker III, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating William on his years of service with the City.

4. **Nathan "Nate" Sturm – Fire Department/Emergency Medical Services – Fifteen Year Service Award -** Nate began working for the City on February 18, 2001, as a Fire Fighter First Class. He was promoted on October 12, 2007, to Fire Engineer. On August 23, 2010, he was promoted to Firefighter Lieutenant, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Nate on his years of service with the City.

5. **Bradley "Brad" Green – Public Services/Streets & Grounds – Twenty Year Service Award -** Brad started working for the City on February 12, 1996, as a Maintenance Worker I. He was promoted to Maintenance Worker II On May 5, 1997. On December 5, 1999, Brad was reclassified to Grounds Specialist; on December 9, 2001, he was reclassified to Maintenance Coordinator; and on October 13, 2002, he was reclassified to Grounds Foreman. On December 10, 2007, he was promoted to Program Supervisor Streets & Grounds, which is his current position. Brad was not present and his award will be presented to him at another time.

CONSENT (Action Item)

1. Approve appointment of the Fifth Trustee to the General Employees' Pension Board.
2. Approve appointment of the Fifth Trustee to the Firefighters' Pension Board.
3. Approve appointment of the Fifth Trustee to the Police Officers' Pension Board.
4. Approve appointments to the Public Risk Management Board of Directors.
5. Authorize the Sewer and Water Capacity Agreement for Poe Reserve, Phase 4.
6. Award Bid No. 2016-02 to Wheeled Coach Industries, Inc.
7. Award a contract to PRMG for a Police Impact Fee Study and amend the Fire/EMS Impact Fee Study contract.

Commissioner Velazquez said she is often approached by residents inquiring how they can be part of a committee. She asked for an overview of the Fifth Trustee and how they are appointed.

Mayor Kilsheimer said the requirement for the Fifth Trustee is that they be voted on by the four previous Trustees and he pointed out that the Pension Boards did not have full representation at their meeting. He suggested Items one, two, and three be pulled from the Consent Agenda until the Pension Boards can convene with all pertinent parties. He stated the members on the Pension Boards have been long serving members of the community and have volunteered in the past. He said any resident desiring to be considered for a committee or board should submit their name.

Commissioner Arrowsmith inquired if the Florida League of Cities has been contacted to see what other cities the size of Apopka are doing with regards to Police and Fire impact fees. He requested Item seven be pulled from the Consent Agenda.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Items four, five, and six on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2473 – First Reading – Corrective Ordinance. The City Clerk read the title as follows:

ORDINANCE NO. 2473

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CORRECTING SCRIVENER'S ERRORS IN THE LEGAL DESCRIPTION OF THE PROPERTY OWNED BY TECHNOLOGY PROPERTY, LLC., IN ORDINANCE NO. 2439; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, 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 Arrowsmith, and seconded by Commissioner Ruth, to adopt Ordinance No. 2473. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

APPROPRIATIONS/DONATIONS/GRANTS (Action Item)

1 Donation offer of real property to the City.

Glenn Irby, City Administrator, said Plymouth Sorrento and Yothers Road is an extremely dangerous intersection. A warrant study for a traffic signal has been done by the City for that location and it is warranted. The City needed rights-of-way from two different corners. One

corner is owned by Daryl Carter, who was approached about selling the property and he offered to donate the property. He has requested the City accept a Special Warranty Deed and pay all closing costs. Mr. Irby affirmed the Donation Agreement does require approval of the City Council.

MOTION by Commissioner Dean, and seconded by Commissioner Velazquez to approve the donation of Property Agreement with Daryl Carter. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2 NRPA "Walk With Ease" Grant – Acceptance agreement and funding.

Mr. Irby said the National Arthritis Foundation developed this program for people who do or do not have arthritis. It is a recreational assistance grant to form groups that walk. He advised this is a $4,000 grant and there are no matching funds. Staff recommends acceptance of the grant.

MOTION by Commissioner Velazquez and seconded by Commissioner Ruth to accept the NRPA "Walk With Ease" Grant and authorize the City Administrator to execute the grant agreement. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

BUSINESS

1. Final Development Plan – Wekiva Riverwalk Daycare Center.

Swearing in of witnesses was conducted by the City Clerk.

David Moon, Planning Manager, gave a brief lead in stating the application is for a request for a Final Development Plan to Wekiva Riverwalk Daycare Center, which is a 10,000 square foot daycare that will accommodate up to 200 children. The facility will have a 5,000 square foot playground. He advised the applicant is Woolbright Wekiva, LLC, and the engineers are Harris Civil Engineers, LLC. The site the daycare is located on is 4.1 acres within the Wekiva Riverwalk shopping plaza. He advised they have a waiver request to the Land Development Code that requires a designated, covered drop-off and pickup area for students wherein they are requesting this be eliminated. A copy of the staff report is on file in the clerk's office. He affirmed the Development Review Committee and Planning Commission recommend approval of the Final Development Plan and approval of the waiver request.

Julie Kendig-Schrader, with Greenberg Trauig, said she was here on behalf of Woolbright Wekiva, and gave a presentation on the proposed project. She explained they will have a landscape buffer that will have two accesses into the site. She affirmed it will not be an all open access.

In response to Commissioner Velazquez inquiring if there would be any bollards installed at the site, Mr. Jim Hanson reviewed the site plan and advised they had not planned on installing any bollards, and pointed out they have it protected by curb and landscaping.

Ms. Kendig-Schrader advised they would accept the condition of approval with bollards being installed in front of the building. She spoke of the plaza and said Woolbright has been working to revitalize the plaza. She stated this request came when Woolbright was reviewing the site and realized the site has some available land that was not being utilized. They went to SJRWMD and in November 2015 an ERP permit was granted allowing them to fill in a portion of the existing dry pond area to the back of the center. They will be implementing that permit with this project and in exchange deepen other ponds on site so the drainage remains the same. She said they have two requests, one for approval of the site development plan and the other is for the waiver. She respectfully requested approval of both applications.

Mayor Kilsheimer opened the meeting to public comment. No one wishing to speak, he closed the public comment.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to approve the Final Development Plan for Wekiva Riverwalk Daycare Center and the requested waiver, with a condition that bollards will be placed in the front. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. Council

Commissioner Dean said he would like the City to look into having a state of the art city library.

Mayor Kilsheimer advised there has been discussion with the Orange County Library about the idea of relocating the Orange County Library from the current location to another location in downtown Apopka. He advised Orange County is open to that idea. He suggested this be placed on the agenda for the budget workshops.

Commissioner Ruth said he worked last year with staff on Sunrise Services at the amphitheater and it was very successful. He stated the church he currently attends has gone through DRC to host Sunrise Services at the amphitheater this year. He requested a discussion to allow waiver of the fees for this service.

City Attorney Shepard advised the waiver of fees cannot be done because the message is a religious or Christian message. It can be waived for a group that provides benefits to the community, but that argument could be for other groups.

Commissioner Arrowsmith said he attends the same church and is looking forward to having this service at the amphitheater. He stated this could be setting a dangerous precedence. He suggested that perhaps he and Commissioner Ruth could split the fee.

Mayor Kilsheimer said each Commissioner has a discretionary fund they could utilize to which Commissioner Arrowsmith said he would contribute his half rather than using tax funds. He also suggested they could obtain other private dollars to cover this expense and said he was looking forward to the service.

3. Public

Dennis New said he was here a month ago to talk about speed limits and stop signs. He stated he did some research from past matters such as the round-a-bouts and sidewalks. He said due to the per house cost the round-a-bouts were not done and the residents did speak against sidewalks along Orange Street. He stated he spent some time checking other cities and gave information regarding their surrounding residential districts having stop signs at intersections and low speed limits. He also searched the internet and gave related costs to installing stop signs and suggested these areas have the speed limit be consistent at 25 miles per hour.

Mayor Kilsheimer advised Mr. Davoll has done some research since the last meeting and this matter will be discussed at the next Council meeting.

Mitzi Hahn said she is the founder and president of 414 Well Women, Inc., which is a Christian organization. She stated they need a place and she spoke with Mayor Kilsheimer last week who mentioned to her there is a vacant house across the street from the middle school on Park Avenue. She stated what they want to do would fit nicely in that space, affirming they want to have a book store, and a hobby center with sewing machines and craft supplies that some women in Apopka don't have. She said they would like to have a counseling center there as well.

Mayor Kilsheimer said he did meet with Ms. Hahn last week and told her he could not make any commitments, but advised her to prepare a business plan and have some financial plan for Council to discuss. He stated he was not sure what the process would be to declare this property surplus so it could be donated, but it is a request of hers and she desires to move in that direction.

Ace Woodham expressed concerns in regards to the direction the city is moving. He said he was a third generation in this town and gave some background history stating he has always been proud of Apopka and the community. He spoke about people running for office and promises of fancy restaurants being brought here. He stated this was not going to happen, as large corporations conduct studies to see if it is warranted. He said he would like to see common people, who are the backbone of this community, appointed to committees.

Alice Nolan said she lives on Orange Street and she grew up in the neighborhood. She said at that time sidewalks were not needed, but that has changed and they are needed now, and stop signs are also needed.

Tenita Reid commended Commissioner Arrowsmith for offering to pay half of the fee for the Sunrise Service. She said Sunrise Service used to be held in Kit Land Nelson Park and asked if there were fees for those services. She declared if it has been free in the past, then they should not have to pay.

Ray Shackelford inquired what the timeline was for the Old Florida Outdoor Festival finance reports being available.

Mayor Kilsheimer reported he had an interim report and advised that as of this morning there were some outstanding bills to be paid and revenues to be realized, but as of this morning our

total revenue is $336,320.92 and total expenditures were $350,464.00. At this time it cost us approximately $14,000 to put on the Old Florida Outdoor Festival that compares to last year's number of $98,000 revenue versus expenses, $92,000 the previous year, and $57,000 the year before that.

Dr. Shackelford said he looked forward to the final financial report. He stated during the budget meetings it was stated there was $250,000 for a splash pad and at the recent Visioning meeting the young people brought up two items of concern; a splash pad, and a skate park. He stated we needed to do all we can to accommodate the needs of our young people. He proposed reallocating the $250,000 as follows: 1) $150,000 for a splash pad; and 2) $100,000 for a skating ring. He asked for the consideration of local companies to construct these items. He applauded the City for the jobs program, but physical activities are also needed. He also discussed the Visioning process and asked how the branding name came about. He brought up term limits suggesting this be put before the public for a vote, as well as single member districts.

Commissioner Dean said he was going to bring up the two points Dr. Shackelford mentioned regarding the splash pad and skate park. He stated he discussed these two issues with Mr. Irby who indicated $250,000 would not provide the type of skate arena that would last. He stated in a few months children will be out of school and he was hoping a splash pad would be ready.

Mr. Irby affirmed Commissioner Dean asked him to find out what Winter Garden paid for their splash pad and that was $750,000. He advised he has not seen Winter Garden's splash pad.

Dr. Shackelford said he has seen Winter Garden's splash pad and it is very nice. He stated this is why he asked to consider tax incentives for the company that builds the splash pad and skate park.

Rod Love said he has been working with the Faith Alliance and the topic has come up regarding single member districts. He said lack of respect has continued to arise over the past few months and stated the Alliance has yet to receive a formal response to their request to present to the City Commission. He stated with regards to the item earlier referencing the city property and that process; this process has been referenced over the past year and half, stating the City, per State Statute, will conduct inventory of any surplus. He stated in his pro-bono work in Apopka, an issue that continues to come up is not-for-profits and faith based organizations that believe Council is picking those as it relates to providing services in the community. The issue of the youth jobs program is an item that keeps coming up and that there was no RFP process.

Mayor Kilsheimer advised that Career Source did not receive any money for the program. All money from the City went directly to the youth in the program.

Isadora Dean said she was glad the summer youth jobs program came up. She said this program should be available to all and not just those who qualify based on income status. She also spoke regarding the process for board appointments and said people should be allowed to put in an application to serve.

MAYOR'S REPORT –

1. Appointment of Community Development Director

Mayor Kilsheimer said Jay Davoll has been moved into the position of Public Services Director and that created a vacancy for the Community Development Director. He reported the application period began in November and the City received approximately twelve applications. The top five candidates were interviewed. He recommended Mark Reggentin, who currently works for the city of Mount Dora, be appointed as the Community Development Director and asked Council to confirm his appointment.

Commissioner Dean said he would hope to see Apopka integrated in supervisory positions.

Commissioner Arrowsmith inquired if there were any applicants from cities larger than Apopka, to which Mr. Irby advised there was one individual who was a Planner with the City of Tallahassee, but he was not a director.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to confirm the appointment of Mark Reggentin as Community Development Director. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Arrowsmith, Velazquez, and Ruth voting aye and Commissioner Dean voting nay.

Mayor Kilsheimer announced the Food Truck Round-up is tomorrow night.

In response to Commissioner Arrowsmith inquiring about House Bill 1015 regarding millage rate and if the City was lobbying against this, Mr. Irby advised the Florida League of Cities took the lead to lobby against this.

NOT REQUIRING ACTION

1. Mayor Kilsheimer announced the City received a thank you letter regarding the Cemetery Staff.

Mr. Irby gave an update regarding the City Center stating the timeline is as follows: February 3, 2016, the City received the sales and purchase agreement that gave both parties 30 days to negotiate a developer's agreement. On February 12, 2016, the City received the first draft of a developer's agreement from Taurus. February 26, 2016, was the initial meeting with the City's Attorney to respond to this. On February 29, 2016, the City responded, and also the City received a letter requesting an extension to the developer's agreement. There is a meeting scheduled on March 9, 2016, with Taurus to work on a final draft. Mr. Irby suggested a date be set for a Workshop Council meeting and possibly a Special meeting.

It was the consensus of the Council to schedule a Workshop on Thursday, March 24, 2016 at 6:00 p.m. on the City Center.

ADJOURNMENT – There being no further business the meeting adjourned at 3:19 p.m.

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda F. Goff, City Clerk