CITY OF APOPKA

Minutes of the regular City Council meeting held on February 17, 2016, at 7:00 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
City Attorney Cliff Shepard
City Administrator Glenn Irby

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

INVOCATION: Commissioner Velazquez introduced Sister Ann Kendrick of Hope CommUnity Center, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on February 23, 1945, photographer Joe Rosenthal photographed U.S. Marines raising the American Flag on Mount Suribachi, the highest point on the Island of Iwo Jima. Mount Suribachi was a strategic point in the battle for the control of the Island, as it was the center of Japanese defense, and the Flag Raising was an important turning point in the Battle of Iwo Jima. Rosenthal's photograph perfectly captured a victorious moment on the battlefield that served as a source of great pride here in the United States. He asked everyone to reflect upon the bravery and sacrifices of those who fought for our freedoms as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council regular meeting February 3, 2016.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve the February 3, 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. FFA Proclamation – Mayor Kilsheimer said this proclamation was being postponed to next month.

Presentations:

1. **Presentation from Farmworker Association of Florida on House Bill 675.**
   Tirso Moreno gave a presentation on House Bill 675 stating he has been living in Apopka since the early 1980's on a permanent basis. He stated during this legislative session House Bill 675 and Senate Bill 872 are going through the legislature with the intent to make local governments responsible for enforcing and implementing immigration laws. He declared this would cause discrimination to the Latino community. To enforce the law will require funding and affect all of Apopka, not just the immigrants. He advised the House has

approved the Bill and it is in committees for the Senate.

Mayor Kilsheimer said from a strategic standpoint it is late in the session for the Council to prepare a position to be presented. He stated he would be happy to call legislators he knows and request other Commissioners make calls if they so choose.

2. **Presentation on Canterwoods Assisted Living Facility (ALF) (a.k.a. Dunn ALF/Dixie Manor) –** David Moon, Planning Manager, said in April 2015, City Council approved the planned unit development (PUD) master plan for the Dunn Assisted Living Facility located north of Old Dixie Highway, east of Richard L Mark Drive, in front of the Errol Estates Community. He advised within that PUD master plan, which allows up to a 125 bed facility, there is an architectural rendering of the proposed building and within the PUD conditions, it states that architectural design of the building shall be generally consistent with that approved with the PUD ordinance, unless otherwise approved by the City Council. He advised a developer and Assisted Living Facility (ALF) provider is interested in the Dunn property and ready to move forward with the construction of an ALF. He affirmed the design is different than that previously approved by City Council. The applicant will make a presentation of the architectural design and if Council has any concerns, this will be moved to public hearings. He affirmed staff does not believe it is a substantial deviation and an improvement over the previously approved design.

   Martin Hamburg, MJM Associates, said they were pleased to have the opportunity to present and tell Council about Canterwood Manor, which is an assisted living community they would like to develop in the City of Apopka. He advised this was assisted living and also a facility that serves individuals with memory impairment with Alzheimer's disease, known as special needs assisted living. He said they promote independence and allow residents to do for themselves everything they are able to do. They foster family involvement through activities. They create opportunities for residents to spend as much time each day using the skills and memories they retain and help families understand what is happening with their loved ones throughout the course of this disease. He stated they employee the best staff, utilize the best diagnostic and therapeutic programs available, and respond quickly to their residents' changing needs.

   David Knapp, Architect for the Haskel Company, reviewed the design they created that meets the original requirements of the approved project, and also added benefits. This design works on the original approved design requirements, but makes a more residential looking building. They have moved all parking to one side, and the building design is centered on courtyards for the residents. The design incorporates one-story and two-story buildings. He explained the design is based on multiple neighborhoods, each having their own dining area. They have a community space with an outdoor area that is offered to the community in general as well. The second floor has physical therapy and other functions. He reviewed the design of the building stating they tried to pick up on the design of the surrounding community.

   Discussion ensued regarding the proposed roofing with Commissioner Dean expressing his dislike of metal roofs.

   It was the consensus of the Council the proposed design was substantially in compliance

with the concept plans originally approved and to move forward. The applicant stated they will adhere to the type of roofing Council advises staff to proceed with.

3. **Announcement of Community Consensus Meeting scheduled February 23, 2016.** Suzanne Kidd announced there will be a Community Consensus Meeting for the Visioning on February 23, 2016 at Highland Manor. She said to refresh everyone's memory, the Visioning process started last July with surveys, seven community meetings, three mobile information station events, and they went through a synthesis of the citizens' concerns voiced. At this point, a strategic plan has been devised around those ideas with five broad categories related to economic development, educational opportunities, infrastructure and growth, improving city services, and the quality of life issues. She declared they would like to encourage as many people from the community as possible to come to the meeting on February 23, 2016, at Highland Manor from 6:00 p.m. to 9:00 p.m.

CONSENT (Action Item)

1. Approve the annual fuel contract renewal with Petroleum Traders Corporation.
2. Authorize the purchase of two vehicles for the Recreation Department.
3. Authorize the Capital Facility Fees Payment Agreement for Marden Ridge.
4. Authorize the Sewer and Water Capacity Agreement for Poe Reserve, Phase 2.
5. Authorize the Sewer and Water Capacity Agreement for Poe Reserve, Phase 3.
6. Authorize a donation to the Kid's House Children's Advocacy Center.
7. Approval of Dr. Charles E. Dorfman's Lease Renewal.
8. Authorize direction for land purchase on Park Ave.

In response to an inquiry by Commissioner Dean regarding Item 8, Mr. Irby advised the due diligence on this requires an environmental assessment that could run up to an estimate of $8,000, a title search to determine any encumbrances on the property which could cost a maximum of $500, and an appraisal, no more than $2,000, to ensure we are not paying more than the valued price. He advised if this proceeds to an environmental 2 survey, this entire area has been designated as a brownfield area, and that money could be reimbursed and the site cleaned, once the city owns the property. He affirmed, if the city decides not to purchase the property, then, those funds are not recoverable.

In regards to Commissioner Arrowsmith inquiring about Item 1 and what the city's fuel consumption was, Mr. Irby said he could obtain that information for him.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve the eight items 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. 2474– Second Reading – First Reading – Amending the Apopka Municipal Code, Chapter 26. The City Clerk read the title as follows:

ORDINANCE NO. 2474

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF APOPKA, FLORIDA, BY AMENDING CHAPTER 26, "CAPITAL FACILITIES FEES," ARTICLE IV, "WATER, SEWER AND REUSE CAPITAL FACILITY FEES AND FUND," SECTIONS 26-112, "DEFINITIONS," 26-117, "WATER CAPITAL FACILITY FEE," 26-118, "SEWER CAPITAL FACILITY FEE," AND 26-119, "REUSE CAPITAL FACILITY FEE;" AMENDING FEE CALCULATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mayor Kilsheimer said this ordinance is with regards to impact fees and the second ordinance is about rates. He affirmed the City is moving in this direction due to the requirement of building a new wastewater treatment plant. He stated we are under a consent agreement with the Department of Environmental Protection (DEP) to increase the removal of nitrogen from the wastewater prior to it being discharged into the environment, as well as the need for additional capacity.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid spoke in favor of increasing impact fees on new development in the city based upon the impact new development creates. She stated the impact fees were inadequate and should be adjusted to collect more revenues.

Aida Campbell spoke concerning the increase of utilities and how it affects older people on fixed income. She asked the Council to lift the water rates for citizens 63 years of age.

Chris Kewley said his family made the decision to move to Apopka 14 years ago, stating at the time this area represented a tremendous value to them. He spoke about the prior City Council platting Rock Springs Ridge into half acre, or larger lots, and also mandated St. Augustine grass be put in. He discussed reclaimed water being reasonable at first, but it has been determined to be a commodity. He pointed out other municipalities do not have reclaimed water at these rates. He said he understands the growth, but stated the whole rate structure regarding reclaimed water is absurd.

Mayor Kilsheimer stated he installed an evapotranspiration controller at his home and it has paid for itself, as it waters as needed, rather than on a time schedule. He affirmed the rate structure is a condition of the City's consumptive use permit with St. John's Water Management District.

Don Estes said he has installed the computerized controller and changed his irrigation heads as suggested by the City, and his bill is exactly like Mr. Kewley's in the summer months. He asked the Council to consider talking to SJWMD to raise the consumptive use threshold.

Rod Love said he wanted to echo comments made by the two previous speakers regarding reclaimed water. He spoke about red light cameras and their going through the legislature at this time with the main issue being addressed of municipalities supplementing revenues. He inquired about regulations by SJWMD and stated if that threshold can be increased, it would

help residents.

Mike Cooper said listening to all of this about water conservation, California has a big drought problem and had to limit grow areas. He asked if the City had any thoughts in reducing the green areas like California had to do. He stated this would reduce the cost and usage.

Young Kim said he has been talking to a lot of people recently and one concerned resident asked that he speak on her behalf. He stated the City has to provide notice and there has to be a deliberative process all of Apopka citizens must get involved in. He said when these issues are quickly addressed within three to four weeks, how can every citizens' issue be addressed. He suggested all citizens have not been provided adequate notice.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to adopt Ordinance No. 2474. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. Ordinance No. 2475 – Second Reading – Amending the Apopka Municipal Code, Chapter 82. The City Clerk read the title as follows

ORDINANCE NO. 2475

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF APOPKA, FLORIDA, BY AMENDING CHAPTER 82, "UTILITIES," ARTICLE II, "WATER AND SEWER SYSTEMS," DIVISION II, "FEES AND CHARGES," SECTIONS 82-61, "WATER CONNECTION FEES," 82-62, "SEWER TAP FEES," 82-64, "INITIATION OF WATER SERVICE," 82-65, "WATER USE CHARGES AND DEPOSIT," 82-66, "WASTEWATER USE CHARGES AND DEPOSIT," 82-67, "DEFECTIVE WATER METERS," 82-69, "WATER AND RECLAIMED WATER METER READING RE-CHECK," AND DIVISION III, "RECLAIMED WATER SYSTEM," SECTIONS 82-92, "CONNECTION CHARGES," 82-94, "RECLAIMED WATER USE CHARGES, AND 82-98, "AUTHORITY TO PRESCRIBE ADDITIONAL REGULATIONS;" ARTICLE IV, "BILLING AND COLLECTION PROCEDURES," SECTIONS 82-179, "TERMINATION OF SERVICE GENERALLY; LATE PAYMENT CHARGE, ILLEGAL USE OF WATER, TAMPERING, MAINTENANCE OF CUSTOMERS FACILITIES, 82-182, "AFTER-HOURS SERVICE CHARGE;" PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Glenn Irby, City Administrator, pointed out a scrivener's in this ordinance, stating at the top of page four there is one sentence that has been stricken that states: *"There will be an additional $10.00 for each additional linear foot for service over 50 linear feet."* Also, on page eight, toward the bottom it states: *"There will be an additional charge of $10.00 for every linear foot*

of service over 50 linear feet." In order to be consistent, he advised this statement on page four needs to be un-stricken.
Mayor Kilsheimer clarified this will need to be included in the motion as a corrective item on the scrivener's error.

Commissioner Arrowsmith said there was a lot of discussion at the last meeting regarding the cost of turning the water off when they didn't pay and the cost for turning it back on. He inquired if it was determined how many homes on an average that involved.

Mr. Irby, advised as reported in the staff report, it is an average of 272 a week, which is a little more than 1% of the total services currently in existence.

Mayor Kilsheimer opened the meeting to a public hearing.

Ed Poirier said he had a problem with doubling the rates for people who are delinquent, stating most people who have their water shut off are those who can't afford to pay their bill. He inquired if any of the additional revenue would be used to do more testing of the water and removal of the asbestos water pipes still in use.

Tenita Reid said since Ordinance No. 2474 was approved and impact fees were reduced 13%, she thought some of the fees on the citizens' portion should be reduced. She also questioned if the City was going to charge for emergency cut offs where someone may need a plumber for a repair. She reviewed various fees in the ordinance that she felt could be reduced.

Ray Shackelford said the City has raised property taxes due to increased property values, and the garbage collection fees have been raised. He asked to give residents on fixed incomes and working people a no vote on this ordinance.

Bobby Reid expressed concern regarding after hour fees and said the cutting off water has always been a courtesy. He asked if the plumbers will be able to cut the water off and on to do their work.

Mr. Irby responded in the affirmative.

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

Mayor Kilsheimer reiterated the need for a new wastewater treatment plant to be built under the consent agreement by DEP that must be completed by March 2019. He said this is the largest construction project in the history of the City of Apopka.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2475 with correction of a scrivener's error on page four by un-striking *"There will be an additional charge of $10.00 for every linear foot for service over 50 linear feet."*

Discussion ensued regarding providing customers the ability to round up payments to the next dollar amount and that amount going into a separate fund to assist those with a hardship.

Murray Hamilton with Public Resources Management Group, said they are the utility rate and financial consultant firm that performed the rate study. He stated they have presented to the Council a number of times since last year. He pointed out there is another agenda item, Item 6, that relates to the State Revolving Fund Loan, and he reminded Council the City has put forth an application for the loan agreement. The basis for that application was the rate study, and included in Resolution 2016-06, is the City's commitment and pledge to the monthly water and wastewater rates, as well as the impact fees to enter into that agreement and repay that debt. He advised the backbone of that application are the proposed rate increases over the next five years before Council tonight. He reiterated this has been more than a ten year plan in the works and monthly rates have not been increased over the last four to five years.

Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Arrowsmith, Velazquez, and Ruth voting aye, and Commissioner Dean voting nay.

3. Ordinance No. 2488 – Second Reading – Annexation. The City Clerk read the title as follows

ORDINANCE NO. 2488

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY APOPKA HOLDING, LLC LOCATED AT 1120 CLARCONA ROAD AND 1124 SOUTH PARK AVENUE; 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 Velazquez, and seconded by Commissioner Arrowsmith, to adopt Ordinance No. 2488. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. 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 Dean, to approve Ordinance No. 2473 at First Reading and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. Resolution No. 2016-03 – Second Reading - Economic Enhancement District Designating Brownfield Districts. The City Clerk read the title as follows

RESOLUTION NO. 2016-03

A RESOLUTION OF THE CITY OF APOPKA, FLORIDA, DESIGNATING THE APOPKA COMMUNITY REDEVELOPMENT AREA AS AN ECONOMIC ENHANCEMENT DISTRICT (FOR BROWNFIELD DESIGNATION); ESTABLISHING THE PLANNING COMMISSION AS THE ECONOMIC ENHANCEMENT ADVISORY BOARD; AUTHORIZING THE PLANNING MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting to public input.

Young Kim inquired what specific area was planning to clean up.

Mayor Kilsheimer advised there were no specific areas, but they were designating this area as a brownfield area so that we can apply for grants for a Phase 1 environmental study to identify potential areas. He further explained brownfield means you can apply for assistance from either the state or federal government to remediate whatever environmental condition may be there in order to allow redevelopment of that property.

Jan Chamberlin inquired if there was a process where she might opt out of the brownfield designation should she so choose.

David Moon said if one desires to opt out, they can provide the City with a written letter asking to be removed.

Ms. Chamberlin asked if property owners can identify contaminated sites or future contaminated sites as they become known.

City Attorney Shepard said if this is approved and the brownfield is created, a grant will be applied for to provide a study for the entire area for Phase 1, it becomes a public record, as would the Phase 2. Anyone could request this information as a public record.

Mr. Moon clarified that the individual property owners apply for the grant in the Phase 1 study and it is not an area wide basis.

City Attorney Shepard explained the incentive is if you can have the government supply the money to conduct the studies and the cleanup, then you are in a position to redevelop. These

programs are designed so that first you can identify a problem, and then potentially get funds to help clean the area so the property can be utilized.

Jeff Welch said this is a great program in a city like Apopka. He explained what happens in a city like Apopka where you have property where a gas station was, oil was changed, dry cleaning, or a hydraulic pump typically has qualification of what might be a brownfield. He said there were a number of retailers looking for brownfield sites as it provides an economic advantage to develop property that would otherwise just sit on the tax rolls.

Ray Shackelford applauded the effort of the city to focus on brownfields and move in this direction.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Resolution No. 2016-03 at Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. Resolution No. 2016-06 – The State Revolving Fund Loan Program for the water reclamation facility. The City Clerk read the title as follows

RESOLUTION NO. 2016-06

A RESOLUTION OF CITY OF APOPKA, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve Resolution No. 2016-04. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

DISCUSSION (Action Item)

1. Consultant Selection for Retail Development Strategy and Marketing Services

David Moon, Planning Manager, said the intent of the request for qualifications is to select a firm that will recruit sit down, full service and casual dining restaurants and retail stores to Apopka after the market analysis is done to identify certain target industries. He advised this is not a request for a study, but a request for services which is to recruit and prepare marketing materials. Five companies submitted qualifications that were narrowed down to three after staff reviewed and interviewed. Catalyst was identified as the most qualified to perform the services for the City of Apopka. Jason Claunch, President of Catalyst, has flown in to address any questions Council may have. Staff believes this to be a desired service that was identified

during the visioning process by many citizens. He stated it is important to address competition with other local governments who are already performing these types of services either through economic development staff or consulting services. He explained this was a citywide effort and covers marketing research and recruiting throughout the City that will also complement the activities to attract businesses to the downtown area.

In response to Commissioner Arrowsmith inquiring about the hiring of an economic development director, Mr. Irby advised the idea was to at some point in the future to hire an economic development director who would work hand in hand with Catalyst. He stated this company is U.S. wide and has the ability to travel all inclusive of what we would be paying them, rather than trying to fly an employee around to recruit. They also employee other people that can be utilized to talk to various companies.

Jason Claunch said he was not prepared to give a long presentation, but he would like to address key components of the process and answer questions. He stated he was very familiar with ICSC and he is the southern director for P-3 Alliance which is the ICSC representation for cities. He had an opportunity to tour the community and feels this is the moment in time for Apopka with a number of large infrastructure projects, many of which will have significant impacts to the community, including the Wekiva Parkway and the Hospital. He stated he did notice visually, it appears the economic basis has shifted from an agricultural community to more of a modern work horse, which he finds intriguing. He said they recognize an opportunity for very strong economic development. He stated they understand the needs and corporate America today is looking for nuance places. Developments that are most competitive include different housing types, and a number of large corporations want quality retail with access to walkable places. He stated part of this initiative will help reinforce bringing in brands and cleaning up brownfield sites. This process is about demographics and most retailers look for population and income. He said there are other things like workforce and the shift in consumer flow when the Parkway opens and how to position those opportunities. This level and their expertise would allow them to present Apopka in a fashion with those very specific criteria and factors retailers look for. He affirmed part of their role would be helping to market those factors in a meaningful way. He said they approach every community understanding their needs and vision and look to build a collateral that is very specific to that objective.

Jeff Welch said he is the Chairman of the Board of the Apopka Chamber of Commerce, and this is very important to the Chamber. He stated if you look at the success of chambers like Seminole County, Lake Mary, and Heathrow, Apopka has been left behind when agriculture jobs were taken away. Apopka took an approach of building houses and communities that built a tax base for the City. In the past decade younger people are moving here and finding this to be a place they can raise a family, but missing is the live, work, play those people want. He said Apopka has struggled with that as we don't have commercial corridors. Thanks to some opportunities coming about now with the new downtown, the Hospital and Kelly Park Crossing, we are looking to establish commercial corridors. He stated if the City wants to be in charge of smart growth and development, then they need to take charge of this in order to have smart growth for the whole City. He pointed out Winter Garden and Fowler's Grove and its success. He said Apopka is the second largest city in Orange County and has gone through the visioning process. He stated this is an important next step to the visioning.

Mayor Kilsheimer said they are talking about getting into the economic development that other

cities are doing. He said Apopka is in the final stages of negotiating a development agreement with Taurus on the city center project. He declared the City needs an active, unified economic development program. He affirmed ICSC was attended by himself and Mr. Welch and this is clearly a strategy other cities employ to be able to get economic development going.

In response to Commissioner Velazquez regarding that Visioning was just finishing, and whether we were doing the same thing all over again, Mr. Moon explained Visioning was a different activity and is to identify the general community interest and receive guidance as to how the City should modify our land development code, comprehensive plan, and program services for the long term. He advised this was a service that will identify specific retail and restaurants, providing them information on why they should locate to Apopka on a citywide basis.

Mayor Kilsheimer suggested that action not be taken on this tonight and for Council to have a greater education by staff on what we are seeking to do and what this will accomplish.

BUSINESS

1. Council

Commissioner Dean asked Mr. Irby to have the corner of Main and Central cleaned.

Commissioner Velazquez thanked Chief McKinley and the Police Department and the Fire Department for how quickly and efficiently they responded when she was in an accident last Saturday.

2. Public

Barbara Zakszewski said there was a lot of discussion on spending money today. She stated we have a paid consultant, Richard Anderson, and said she would like to know what he is consulting on. She stated it was indicated the other day that he was not a registered lobbyist for 2014 and 2015. She expressed disappointment in that he does not file reports and said she would like to have him return funds paid for 2015 he received for lobbying services. She would like to see his contract terminated immediately and have a fraud and ethics investigation launched as it appears he has taken the money under false pretense.

Ray Shackelford said he heard the Old Florida Outdoor Festival was great and asked when the public could obtain a financial report for the festival.

Mayor Kilsheimer advised the financial reports are being reconciled and we do know that our revenue was the highest it has ever been.

Mr. Shackelford applauded the article in the newspaper for accountability and inquired how the public could obtain a list of projects for 2014, 2015, and 2016 given to the city lobbyist to follow. He asked if the City of Apopka was seeking state funding to remove asbestos pipes from the water system.

Mayor Kilsheimer responded in the affirmative.

David Hoffman spoke regarding the story published in the Orlando Sentinel, written by Bethany Rodgers revealing little accountability for Richard Anderson, City Consultant and Lobbyist, to show what he has accomplished to justify his salary. He asked if the citizens would have access to an accounting of his efforts and accomplishments.

Mayor Kilsheimer responded to this situation addressing the recent news reports about Richard Anderson, his contract, and his failure to register as a lobbyist with the State of Florida. He stated he wanted to preface his remarks with the position he takes on virtually every decision made here at City Hall, and that is "What will move the City of Apopka forward." He took office in 2014 with a staff of roughly 400 people, half of whom were angry he had defeated Mayor Land, and the other half fearful he would fire them and disrupt their pensions. His promise during the campaign was that he would not fire anyone and he sought to stick to that promise while establishing an agenda to reflect changes he had campaigned on. He stated over the summer months, it became clear that Richard Anderson wanted to leave. Once the decision was made to go that route, the next thing that came into play was the employment agreement he already had in place with the City that was signed while Mayor Land was in office. He affirmed the majority of money Richard received, he would have received under his old agreement regardless of whether or not he had stayed with the City. He stated it was clear to him that Mr. Anderson had already made substantial progress toward securing the city center project we are currently negotiating and at the same time the form and shape of that deal was very much in the air, but clearly substance to the talks Richard had initiated. The choice was to let Mr. Anderson go, pay him the substantial amount his employment agreement called for, or retain him as a consultant/lobbyist and keep the city center project on track. He stated there was also a benefit in knowing should a crisis occur, Richard would be available to call upon. Indeed a crisis came up with Mayor Land passing away six weeks after Mr. Anderson left and he quietly stepped back in and facilitated all of the details of a memorial service that was befitting of Mayor Land's stature. In the months between then and now, Richard has brought the city center project to the point where it is, negotiating with a qualified developer who has the financial resources to bring this project to reality. He said while the economy does play a role, you have to have willing partners on both sides to make a deal and that is where we are. What will move Apopka forward? Clearly a city center project will move us forward and we are actively seeking this project. He reiterated Mr. Anderson would have received a substantial separation payment under his old contract, regardless of whether or not he was retained as a consultant. He stated that Mr. Anderson has been advocating on behalf of Apopka with interest throughout Central Florida the entire time that he has been in a consulting role.

Larry Fisher said he has been here four or five times with Boy Scout groups or FFA groups and they are always sitting on the floor. He stated it was time to add space to the Council Chamber. He said his main reason for coming here was with regards to the downtown and the vibrancy trying to be achieved. He declared the focus should be within two miles of this building and the downtown area. He stated there should be more focus with drawing things to Apopka with the biotech research area.

Rod Love summarized a few items he heard while sitting in the audience, stating he heard earlier regarding the business development and the consultant present was not well articulated until Mr. Welch spoke well about the end result. He said Apopka is in a competitive market.

He also spoke about the issue of lobbyist and said he has seen Mr. Anderson in the Council Chamber twice. In order to be competitive, the City needs to have a voice for economic development. He stated three of the fastest growing areas in Florida are healthcare, hospitality, and construction. He declared he was for moving Apopka forward, but he would also like to have input in this process.

Gayne Fisher said he has been a resident of Apopka for twelve years and he coaches little league here. He said the coach that was to manage his daughter's team was rejected because of the City's stringent policy. He asked this policy be re-evaluated. He stated this matter happened twenty-five years ago and he has exhausted all possibilities to have this looked at again.

Mr. Irby advised this policy was currently under review.

MAYOR'S REPORT – Mayor Kilsheimer reported the City had an outstanding Old Florida Outdoor Festival this past weekend. He thanked staff for their hard work during this festival.

Mayor Kilsheimer reported he sent a letter last week to Ann Dupee, President of Lake Apopka Natural Gas District Board of Directors. He advised this letter has been emailed to all of the Commissioners and to the elected officials in the cities of Clermont and Winter Garden. He declared this was a topic he wanted to put on the table for future discussion. He read this letter into the record regarding the continuing public purpose of the Lake Apopka Natural Gas District. A copy of the letter will be filed with these minutes.

Commissioner Arrowsmith stated they do not have private meetings and their meetings are open to the public. He said the City has received over $2 million dollars in the last fifteen years in franchise fees and city taxes. He stated the gas infrastructure increases the asset to the community.

ADJOURNMENT – There being no further business the meeting adjourned at 10:30 p.m.

_____
Joseph E. Kilsheimer, Mayor

ATTEST:

_____
Linda F. Goff, City Clerk