

CITY OF APOPKA

Minutes of the regular City Council meeting held on February 7, 2018, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Doug Bankson
City Attorney Cliff Shepard
City Administrator Glenn Irby

ABSENT: Commissioner Kyle Becker

PRESS PRESENT: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: - Mayor Kilsheimer introduced Mark Burke who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said it was noted African-American George Washington Carver was a botanist and inventor, born around 1864, educated at Iowa State University, and later a faculty member of the Tuskegee Institute. His reputation is based on his research and promotion of crop rotation, and the development of alternative cash crops, including peanuts, soybeans, sweet potatoes, and pecans. He urged farmers to use the alternative crops as a source of foods, creating hundreds of recipes in bulletins that he distributed to farmers. He also developed hundreds of products from the alternative crops. His advice was sought from world leaders including President Theodore Roosevelt, and Mahatma Gandhi, and business tycoons like Henry Ford and Thomas Edison. Carver's scholarship and research contributed to the improved quality of life for many farming families and made Carver an icon. He asked everyone to reflect upon the pioneering spirit and legacy of George Washington Carver as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council regular meeting January 03, 2018.
2. City Council regular meeting January 17, 2018.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve the minutes of January 03, 2018, and January 17, 2018, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye.

AGENDA REVIEW:

Glenn Irby, City Administrator, advised the Item One under the Consent needs to be pulled due to the CRA meeting held prior to this meeting. He said Item Four needs to be pulled for discussion and Mr. Davoll will present the item.

Mr. Irby said a bid was placed for a new building at Alonzo Williams Park. He stated the city had received a CDBG grant from the Department of Economic Opportunity. The bids were received on Friday, February 2, 2018, and the lowest bid was \$400,000 plus over the amount of the received grant. He further advised this bid was nonresponsive as there was a bond that was required that was not included. He said since the other two were higher, it is requested that all bids be rejected and rebid.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez to reject all bids on the Alonzo Williams Park Community Center and go out to rebid. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT
Public Comment:

No one wishing to speak, Mayor Kilsheimer closed Public Comment.

Proclamations:

1. Black History Month Proclamation – Mayor Kilsheimer read a proclamation declaring the month of February Black History Month in the City of Apopka and presented the proclamation to Commissioner Billie Dean.

Employee Recognition:

- Five Year Service Award – Jennifer Esquia – Community Development/Building. The Commissioners joined Mayor Kilsheimer in congratulating Jennifer on her years of service.
- Five Year Service Award – Paul Murphy – Police/Support Services. The Commissioners joined Mayor Kilsheimer in congratulating Paul on his years of service.
- Twenty Year Service Award – Kimberly “Kim” Walsh – Police/Support Services. The Commissioners joined Mayor Kilsheimer in congratulating Kim on her years of service.

CONSENT (Action Item)

1. Authorize an expenditure from Law Enforcement Trust Funds for the CRA “Community Outreach Program”. **Item Withdrawn**
2. Authorize an agreement for design engineering & hydrogeology services with Reiss Engineering.
3. Authorize an agreement for a Utility Master Plan update with Wright-Pierce, Inc.
4. Award a contract to Core & Main for pipe materials for the Golden Gem Rd. reclaim water system extension.
5. Appointment of the voting member of both the Group Health Trust and Property & Casualty Boards.
6. Approve the Interlocal Agreement between the City of Apopka and Orange County for the jurisdictional transfer of Michael Gladden Boulevard from South Hawthorne Avenue to South Park Avenue

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to approve items two, three, five, and six on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye.

Jay Davoll, Public Services Director, handed out and reviewed a revised staff report for Item 4, awarding a contract to Core & Main for pipe materials for the Golden Gem Road reclaim water system extension. He advised the Invitation to Bid (ITB) 2018-06 was advertised on January 2, 2018. He explained that Bid item numbers 1050-11-424 and 1080-11-425B were removed and this revised the amounts. Staff reviewed the bids and determined the low bidder, Consolidated Pipe, submitted an incomplete bid with pricing for three items not being provided on the bid form. Staff is requesting approval to award the bid to the second bidder, Core & Main, in the amount of \$302,404.53. He reported this project is partially grant funded by the St. Johns River Water Management District and the city will be reimbursed 50% of this project cost.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez to approve award of ITB 2018-06 to Core and Main in the amount of \$302,404.53. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

- 1. Ordinance No. 2619 – Second Reading – Comprehensive Plan Amendment – Small Scale – Project: Zellwood Properties, LLC – Located north of S.R. 441 and west of Hermit Smith Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2619

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 TO “CITY” COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HERMIT SMITH ROAD AND NORTH OF ORANGE BLOSSOM TRAIL, COMPRISING 2.45 ACRES, MORE OR LESS AND OWNED BY ZELLWOOD PROPERTIES, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez said there have been no changes since the first reading.

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

MOTION by Commissioner Dean, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2619. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye.

- 2. Ordinance No. 2620 – Second Reading – Change of Zoning – Project: Zellwood Properties, LLC – Located north of S.R. 441 and west of Hermit Smith Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2620

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/COMMERCIAL) FOR CERTAIN REAL PROPERTY LOCATED AT 1102 HERMIT SMITH ROAD, COMPRISING 2.45 ACRES MORE OR LESS, AND OWNED BY ZELLWOOD PROPERTIES, LLC; 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.

David Moon, Planning Manager, said there have been no changes since the first reading.

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. 2620. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye.

3. **Ordinance No. 2624 – First Reading - Change of Zoning – Project: George Thum, Jr. & Phillip & Peggy Dionne – Located west of Jason Dwelley Parkway, south of West Kelly Park Rd.** The City Clerk read the title as follows:

ORDINANCE NO. 2624

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) AND “CITY” AG (AGRICULTURE) TO “CITY” PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL) FOR CERTAIN REAL PROPERTIES LOCATED WEST OF JASON DWELLEY PARKWAY AND SOUTH OF WEST KELLY PARK ROAD, COMPRISING 15.17 ACRES, MORE OR LESS, AND OWNED BY GEORGE THUM JR. AND PEGGY DIONNE; 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.

Mr. Moon said this case involves approximately 15 acres on the east side of Jason Dwelley Parkway. The request is to change the zoning on the property from “County” A-1 agriculture and “City” agriculture to “City” professional office/institutional. The land-use was changed by City Council previously to Public/Institutional. He reviewed the location of the site and advised the intent of the future use of the property is for an elementary school site. He advised representatives from Orange County Public Schools were present. Mr. Moon advised that based on the zoning, it is consistent with the character of the surrounding area, which is primarily residential in character and the school will serve the surrounding residents. Planning

Commission found the zoning to be consistent with the Comprehensive Plan and recommended approval.

Commissioner Velazquez said traffic was a concern of the residents in Rock Springs Ridge and they do not feel Jason Dwelley can sustain the traffic from the school.

Jamie Boerger, Orange County Public Schools, said they have been meeting with the Rock Springs HOA and addressing their concerns.

Sandra Gorman, said she is a registered professional engineer in the State of Florida specializing in traffic. She stated they have done a preliminary traffic study for the school. She advised this is preliminary as they do not have a site plan and a lot of how the traffic will depend on where the driveways will be located and the internal circulation. She advised they have looked at Jason Dwelley Boulevard and there is capacity available to accommodate the school through traffic. She affirmed the School Board has been provided guidelines on how many cars they will need to fit onsite so they are not spilling over onto Jason Dwelley as well as recommendations provided on turn lanes at the school driveways.

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 approve Ordinance No 2624 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye.

- 4. Ordinance No. 2633 – First Reading – Vacate – Platted Right-of-Way (Ransom Street). Project: City of Apopka – Located north of East 6th Street, south of U.S. Highway 441, west of South Sheller Avenue. The City Clerk read the title as follows:**

ORDINANCE NO. 2633

AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A RIGHT OF WAY, KNOWN AS RANSOM STEEET, LOCATED NORTH OF EAST 6TH STREET, SOUTH OF U.S. HIGHWAY 441; WEST OF SOUTH SHEELER AVENUE IN SECTION 10, TOWNSHIP 21, RANGE 28 OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing and witnesses were sworn in by the Clerk.

Jean Sanchez, Planner, said the request is to vacate a platted, but unused and undeveloped right-of-way located north of East 6th Street and south of U.S. 441. She advised the intent is to replat and incorporate the city owned parcels to the west and the east.

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 approve Ordinance No 2633 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye.

5. **Resolution 2018-02 - Amending the budget for FY October 1, 2017 - September 30, 2018.**
The City Clerk read the title as follows:

RESOLUTION NO. 2018-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, PROVIDING FOR A BUDGET AMENDMENT.

Glenn Irby, City Administrator, said this budget amendment is to carry over funds from last fiscal year budget to complete projects that were not completed last fiscal year. The second amendment is funding from reserves as reported in the staff report, and the third is for additional funding from grants. He advised state statute requires budget amendments be adopted in the same manner the budget is adopted.

In response to Commissioner Bankson regarding the reserve accounts, Mr. Irby advised that the general fund reserves were not funding any of these amendments.

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 approve Resolution No. 2018-02. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye.

6. **Resolution 2018-03 – Opposing Senate Bill 574 & House Bill 521 local tree protection ordinances and codes.** The City Clerk read the title as follows:

RESOLUTION NO. 2018-03

A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF SENATE BILL 574 AND HOUSE BILL 521 WHICH WOULD PREEMPT LOCAL TREE PROTECTION ORDINANCES SUCH AS THOSE CURRENTLY IN PLACE IN THE CITY OF APOPKA; DIRECTING THE CITY ADMINISTRATOR TO CIRCULATE THE RESOLUTION TO THE FLORIDA LEGISLATURE; PROVIDING AN EFFECTIVE DATE.

James Hitt, Community Development Director, said this was brought to our attention and it was thought this may become an issue. These bills have made it through committee and are making their way to the Senate and House. He advised the City of Apopka has code requiring tree

replacement, as do other municipalities. These bills supersede home rule from local governments. He advised this resolution is recommending Senate Bill 574 and House Bill 521 not be approved.

Mayor Kilsheimer said this resolution will be sent to the Florida League of Cities and that will be used as one of their arguments regarding the attempt to take home rule away from local cities. It will also be sent to local representatives.

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. 2018-03. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye.

CITY COUNCIL REPORTS

Commissioner Dean thanked Mr. Davoll and complimented Public Services for beautifying the medians on U.S. 441.

MAYOR'S REPORT

Mayor Kilsheimer reported the BBQ Blast is this weekend at the Northwest Recreation Complex with more than 100 teams. There will be a concert Friday evening, fireworks, and a truck show on Saturday.

ADJOURNMENT – There being no further business the meeting adjourned at 2:43 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk