

CITY OF APOPKA

Minutes of the regular City Council meeting held on February 3, 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: Teresa Sargeant - The Apopka Chief
Bethany Rodgers, Orlando Sentinel
Dale Fenwick, The Apopka Voice

INVOCATION: Commissioner Dean introduced Reverend Dr. Gloria Stephens of Pleasant View Missionary Baptist Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on February 10, 1964, after ten days of debate and voting on 125 amendments, the US House of Representatives passed the Civil Rights Act of 1964 by a vote of 290 to 130. The Bill prohibited racial and ethnic discrimination by any local or state government or public facility and also allowed the U.S. Attorney General to bring school desegregation law suits. The Civil Rights Act of 1964 was later passed by the Senate in June 1964, and signed into law on July 2, 1964. He asked everyone to reflect upon the brave actions and eloquent words of social activists and political leaders who fought for racial equality as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council Visioning Retreat meeting December 9, 2015.
2. City Council Workshop meeting December 15, 2015.
3. City Council regular meeting January 20, 2016.

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to approve the December 9, 2015, December 15, 2015, and January 20, 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. Black History Month Proclamation – Mayor Kilsheimer read a proclamation acknowledging February as Black History Month. He presented the proclamation to Ms. Francina Boykin.

Employee Recognition:

1. **Christopher “Chris” Rodriguez – Fire Department/EMS – Five Year Service Award –** Chris began working for the City on January 2, 2011, as a Fire Fighter First Class, which is his current position. Chris was not present and his award will be presented to him at another time.

2. **Robert Walsh – Police Department/Field Services – Five Year Service Award** - Robert started working for the City on January 18, 2011, as a Police Officer, which is his current position. Robert was not present and his award will be presented to him at another time.
3. **Amanda Merrill – Police Department/Chief's Office – Ten Year Service Award** - Amanda began working for the City on January 31, 2006, as a Police Officer. She was reclassified to Crime Analyst on January 22, 2012. Amanda was promoted to Administrative Assistant to Police Chief on March 2, 2015, which is her current position. The Commissioners joined Mayor Kilsheimer in congratulating Amanda on her years of service to the City.
4. **Lorena Potter – Recreation Department/Activities & Civic Events – Fifteen Year Service Award** - Lorena started working for the City on January 3, 2001, as a Recreation Leader. On April 8, 2002, she was promoted to Recreation Specialist and on February 20, 2005, Lorena was promoted to Recreation Manager, which is her current position. The Commissioners joined Mayor Kilsheimer in congratulating Lorena on her years of service to the City.
5. **Cynthia "Robin" Dix – Police Department/Communications – Twenty Year Service Award** - Robin began working for the City on January 10, 1996, as a Communication Specialist I. On February 5, 1997, she was reclassified to Communication Specialist II, and on January 6, 1999, her title changed to Communication Technician, which is her current position. Robin was not present and her award will be presented to her at another time.

Presentations:

1. Marden Interchange project update from MMI

Mike Wright presented a project update on the Marden Interchange. The Expressway Authority Board approved permission to build the interchange at a public hearing and an agreement with the Expressway Authority was completed toward the end of October. He advised they have settled with a firm for the design work. A copy of his presentation is on file in the City Clerk's office.

CONSENT (Action Item)

1. Approve the Disbursement Report for the month of December, 2015.
2. Authorization to retire a Police Department Canine.
3. Authorize CUES, Inc., to inspect/rebuild/upgrade the camera inspection equipment on the wastewater service van.
4. Authorize the purchase of two mowers for the Northwest Recreation Complex.
5. Authorize the purchase of four vehicles for the Community Development Department, Building Division.
6. Authorize the purchase of nineteen vehicles for the Police Department.
7. Authorize the City Administrator to engage in negotiations for the purchase of the downtown parking lot.
8. Authorize the City Administrator to sign the contract for engineering with Tetra Tech, Inc., for the water reclamation facility expansion.

Item 8 was pulled for discussion. Mr. Irby explained this was the design engineer for the wastewater plant and by Florida Statute we are required to go through a Contractor's Competitive Negotiation Act (CCNA) process to select an engineer. City Council approved

negotiations with Tetra Tech, Inc., who was the first ranked firm.

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. 2469 – Third Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

ORDINANCE NO. 2469

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 PARKS/RECREATION TO INDUSTRIAL (0.6 FAR), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST CLEVELAND STREET, WEST OF SHEELER AVENUE, COMPRISING 9.95 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, advised due to the public interest in this, additional advertising was provided to alert the public.

City Attorney Shepard conducted swearing in of witnesses.

Mayor Kilsheimer opened the meeting to a public hearing.

Francina Boykin said she had researched the property and the Walter Davis family is a family she will feature during Black History Month. Mr. Davis had owned this property at one point and requested a marker be placed there in honor of the Davis family. She stated she was very proud there was going to be light industrial business at this location.

Vernell Jordan said she recently moved back to the area, being retired from the U.S. Army. She inquired what type of upper level jobs would be given to the people that reside in the area, to which Mayor Kilsheimer advised the jobs were undetermined at this point. He explained the HUB Zone and advised the interested company's business is to obtain contracts to serve the Defense Department. They obtain those contracts through the Small Business Administration HUB Zone program, and 35% of all of the jobs must go to residents that live within the HUB Zone.

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

Commissioner Dean stated he wanted on record that only clean manufacturing be allowed in this area.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth to adopt Ordinance No. 2469. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. Ordinance No. 2470 – Second Reading – Change of Zoning - Quasi-Judicial. The City Clerk read the title as follows:

ORDINANCE NO. 2470

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PR (PARKS/RECREATION) TO I-1 (RESTRICTED INDUSTRIAL) (0.6 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST CLEVELAND STREET, WEST OF SHEELER AVENUE, COMPRISING 9.95 ACRES MORE OR LESS, AND OWNED BY CITY OF APOPKA; 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 Dean, and seconded by Commissioner Velazquez to adopt Ordinance No. 2470. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

3. Ordinance No. 2483 – Second Reading – Vacate. The City Clerk read the title as follows:

ORDINANCE NO. 2483

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 2780 PONKAN MEADOW DRIVE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR 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. 2483. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. Ordinance No. 2484 – Second Reading – Vacate. The City Clerk read the title as follows:

ORDINANCE NO. 2484

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT

1142 GLENMORE DRIVE; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR 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 Velazquez, to adopt Ordinance No. 2484. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. Ordinance No. 2486 – Second Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

ORDINANCE NO. 2486

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” RESIDENTIAL LOW (0-5 DU/AC), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SCHOPKE LESTER ROAD, NORTH OF W HIGHLAND AVENUE, COMPRISING 4.42 ACRES MORE OR LESS, AND OWNED BY HUY TRAN & HAI ANH NGUYEN; 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 Ruth, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2486. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. Ordinance No. 2487 – Second Reading – Change of Zoning - Quasi-Judicial. The City Clerk read the title as follows

ORDINANCE NO. 2487

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” AG-E (AGRICULTURE ESTATES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SCHOPKE LESTER ROAD, NORTH OF WEST HIGH AVENUE, COMPRISING 4.42 ACRES MORE OR LESS, AND OWNED BY HUY TRAN & HAI ANH NGUYEN; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer advised this was a quasi-judicial hearing and witnesses were sworn in.

Huy Tran Nguyen, applicant, gave a presentation on Aquaponics, explaining it is the combination of growing fish and plants together, using the nutrients and discharging almost nothing. He affirmed the quality of the plants are much healthier and they are not sprayed. A copy of his presentation is on file in the City Clerk's office.

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 adopt Ordinance No. 2487. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

7. Ordinance No. 2474– First 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.

Glenn Irby, City Administrator, said Ordinance 2474 is regarding proposed impact fees. He stated the City was not required to do a study, however, if challenged, especially regarding impact fees and how they were based, it is advised to hire experts to develop standards and what the impact fees should be. The next ordinance deals with utility rates.

Kevin Burgess said the driving force for a lot of this is the wastewater plant expansion. He gave a brief history stating our wastewater treatment plant currently serves more than 16,000 commercial, industrial, and residential customers across 39 square miles of the utility service area. We are currently permitted by DEP for 4.5 million gallons per day. The need for this expansion was evaluated last year and it is projected in 2035 we will be treating 8 million gallons per day. He reviewed a Power Point presentation pointing out the current systems and plant will need modifications, as well as reviewing the reclaimed water. He advised there are 11 utilities within the Wekiva Basin area and all are under a consent agreement with DEP with a timeline to meet nitrogen level requirements. The presentation is on file in the City Clerk's office.

Murray Hamilton, with Public Resources Management Group (PRMG) said they are a utility

rate and financial planning consulting firm based in Maitland, Florida. He reviewed the presentation that was given in December at a workshop meeting. The last utility rate study conducted by their firm was in 2007/2008. The last impact fee study was conducted by another firm in 2001, which recommended a phasing of the current impact fees with indexing. The impact fees were last adjusted in 2009. A copy of the presentation is on file in the City Clerk's office.

Mayor Kilsheimer opened the meeting to a public hearing.

Vernell Jordan expressed concerns regarding the increased deposits and the hardship this creates for people coming to Apopka.

Tenita Reid spoke saying she was against Ordinance No. 2475, but she was in support of Ordinance No. 2474. She said she was against the 3% monthly increase each year and said this was caused by the new developments requiring the additional infrastructure.

Ray Shackelford inquired if the impact fees were restricted to new developments, to which Mr. Irby advised it was for new development. Mr. Shackelford spoke regarding Ordinance 2475 and the 3% increase, and given the fact property taxes have increased and the garbage collection fees increased, stating there has been enough increases, especially for senior citizens and veterans on fixed incomes. He said he was opposed to 2475.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to approve Ordinance No. 2474 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

8. Ordinance No. 2475 – First 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.

Discussion ensued regarding the turn on and off fees, as well as hardship. Pam Barclay, Finance Director, affirmed that Utility Billing will work with people and set up payment plans as a relief for hardship.

Henry Thomas advised that if the City decides to set up a hardship fund, a number of utilities throughout the State of Florida has a program they call “Operation Roundup” and a customer can elect on their bill to pay the next dollar rounded up and that amount goes into the hardship fund to help those in need.

Mayor Kilsheimer said his recommendation would be to adopt the package before them and deal with the hardship separately at budget time.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid said she disagreed with the shut off/on fee, stating employees are all over town and there should not be a fee for this. She would agree suspending this in order to set up a hardship fund.

Ray Shackelford inquired if there was interest on a payment plan.

Ms. Barclay advised there was no interest charged.

Isadora Dean spoke in agreement with Commissioner Velazquez to suspend fees until budget time. She stated citizens are on fixed incomes and families can barely make ends meet

Alice Nolan said she volunteers at the schools and there are a lot of children on free lunches. She stated people who could not afford lunch fees would not be able to afford this increase. She suggested holding off on the shut off fees.

Dennis New said he was retired and on a fixed income. He said Utility Billing works with people who ask for help. People who get their water cut off will continue to do so, stating the Water Department is not the problem.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Ordinance No. 2475 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

The Council recessed at 3:49 p.m. and reconvened at 3:57.p.m.

9. Ordinance No. 2488 – First 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 Ruth, and seconded by Commissioner Arrowsmith, to approve Ordinance No. 2488 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

10. Resolution No. 2016-03 – 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.

David Moon gave a brief lead in stating this Resolution is to create an economic enhancement district that qualifies as a brownfield designated area. The Grant Specialist has identified a program to assist businesses and property owners within the designated area to help clean up sites that may have been identified with site contamination. He advised this was a step to enable these property owners to apply for these grant programs and it is a benefit to the City to help redevelop those sites, create jobs, and tax revenue to the City. At this time they are concentrating on the Community Redevelopment Area.

In response to Commissioner Ruth inquiring if he should abstain since he lives within this area, City Attorney Shepard advised he did not need to abstain.

In response to Commissioner Arrowsmith inquiring if a Phase I would automatically require a Phase II from a lender's standpoint, City Attorney Shepard advised that Phase I would have to be specific to reveal the need for a Phase II. He advised in most cases lenders will underwrite.

Mayor Kilsheimer opened the meeting to public input.

Fraser Gunter inquired if this whole area was like that, or only parcels within the area that need to be addressed.

Mayor Kilsheimer explained the boundary encompasses the CRA area and they would conduct a Phase I to determine site contamination sites. He advised this is done on a broad basis.

Ray Shackelford applauded the city for moving in this direction stating it was great opportunity for growth development.

Alice Nolan said she went to the brownfield seminar and inquired if the Phase I would be funded by the grant to which Mayor Kilsheimer advised it would be grant funded. She inquired if the City would also look into the federal grant funding.

Mayor Kilsheimer said once we go through the Phase I process, the City can look into additional state or federal grants.

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

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

11. Resolution No. 2016-04 – The State Revolving Fund Loan Program for the water reclamation facility. The City Clerk read the title as follows

RESOLUTION NO. 2016-04

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.

Jay Davoll, Public Services Director, said this was the Resolution that allows the city to apply for the State Revolving Fund (SRF) Loan. He affirmed the contract was approved earlier and the rate study, plus hearing the history of the plant. By approving this resolution and allowing the use of the SRF will save the City a minimum of \$20 million and up to \$27 million over other processes. He requested approval of Resolution No. 2016-04.

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

12. Resolution No. 2016-05 – Amending the budget for FY October 1, 2015 – September 30, 2016. The City Clerk read the title as follows

RESOLUTION NO. 2016-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016, PROVIDING FOR A BUDGET AMENDMENT.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Resolution No. 2016-05. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

BUSINESS

1. Preliminary Development Plan extension request – Copart, Inc.

David Moon, Planning Manager, said Council tabled the Preliminary Development Plan application to the end of February at the December 2, 2015 meeting. Council received on the dais a request by Copart, Inc. requesting to extend their application review period to the second meeting in May.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to extend the Preliminary Development Plan request by Copart, Inc. to the May 18, 2016 Council meeting Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. Council

Commissioner Velazquez said Jan Chamberlain was at the last meeting and made a statement the City had over 133,000 square feet of vacant commercial business space. After the meeting she asked Ms. Chamberlain if that included the old Albertson's and she affirmed it did. Commissioner Velazquez stated 54,000 of the 133,000 is commercial space that is being leased and paid for by Albertson's.

Commissioner Dean asked City Administrator Irby to locate the people that own the house beside Schofield Funeral Home. If they have no intentions or use, request they allow the City to burn it.

Captain Fernandez advised there is a Code Enforcement case on that house, stating the owner is deceased and the family is negotiating over the property.

Commissioner Ruth said he has been approached by some people wanting to hold a tree planting ceremony at Alonzo Williams Park in honor of Ms. Mary Bridges. He stated they also request the Council to be present.

Mayor Kilsheimer requested he contact David Burgoon to make sure the tree is placed in an area so not to interfere with the improvements to the park.

3. Public

Dennis New spoke regarding the traffic on the residential streets in his area of Magnolia Street and Lake Avenue. He expressed concern about the number of vehicles that travel through the area and said the County has placed stop signs at Lake and Myrtle making it a four-way stop. He said cars are speeding through that area and he has had a commercial vehicle overturn in his neighbor's yard.

Mayor Kilsheimer asked Jay Davoll to look into four-way stops in the area.

Ray Shackelford spoke regarding the Old Florida Outdoor Festival Committee stating they had been told this committee would reflect the population of Apopka and declared this was not true. He stated he was allowed to attend one of the meetings and was allowed to make comments. At the second Council meeting in December he stated he wanted to be a volunteer and looked forward to the meeting on December 29th. He spoke regarding the committee meetings being closed to the public. He said the Old Florida Outdoor Festival was a great family event, but he was for fairness of including all people in the planning and participation of the event. He said with a diverse committee there would be greater participation in the event.

Fraser Gunter spoke about the morning news reporting on guns and violence. Now in Tallahassee they want to allow the "cash and carry" of guns. He stated he did not want to see guns around all places such as schools and churches. He stated 32,000 people a year are killed with guns and it was time to address this matter.

Tenita Reid inquired about a report she saw on the evening news stating Apopka may be getting a new second town center and said she had not heard anything about this.

Mayor Kilsheimer advised there was no specific plan, but a group of people think doing something on Station Street and that area is a good idea. He reiterated there was nothing specific, but interest expressed.

Commissioner Dean said he would like to have some diversity when setting up the Old Florida Outdoor Festival Committee for next year.

Vernell Jordan said she also was from Apopka and grew up here. When she came back home to Apopka she was very disappointed to see Apopka was split with signs up for South Apopka. She said when she left it was Apopka, and where she lives now, she has lived there for 50 years and she would like to see it go back to Apopka.

Mayor Kilsheimer advised the signs are Orange County signs that say South Apopka and he would like to see an effort made to have these taken down. He advised Mayor Land had told

him there was a vote taken by the residents to annex this area and they voted not to annex into the city limits.

MAYOR'S REPORT – Mayor Kilsheimer reported Birdapalooza is this weekend at Magnolia Park. The following weekend is the Old Florida Outdoor Festival.

Isadora Dean said her ex-student Vernell Jordan did not bring up the issue of annexation and the issue was not annexation. She stated with regards to the Old Florida Outdoor Festival, she would love to see some diversity to this event and committee. She said she was happy Mr. Wright was reaching out to the schools in the area, but the elementary school in that area is not in the city. She would hope he would reach out to all elementary schools in the area regardless to whether they are in the city or county. She said most municipalities have more diversity than we have in Apopka and she would like to see more diversity in upper administrative positions.

ADJOURNMENT – There being no further business the meeting adjourned at 5:06 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk