CITY OF APOPKA

Minutes of the regular City Council meeting held on February 1, 2017, 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
Commissioner Kyle Becker
City Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: Teresa Sargeant - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Pastor Jeanne Bowser of Word of Life 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 U.S. 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 in the Senate in June 1964, and signed into law on July 2, 1964. He asked everyone to reflect upon the brave actions of social activists and political leaders who fought for racial equality as he led in the Pledge of Allegiance.

AGENDA REVIEW: There were no changes to the agenda.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:
Marvin Guttman said approximately a week ago they received a precautionary boil water notice. He complimented the City on the notice and declared it was very well written. He suggested that notices be placed on the garage doors, as many people enter their homes through the garage rather than the front door.

Ray Shackelford inquired who the promoter for the Old Florida Outdoor Festival was, and what this event would cost the citizens. He expressed concerns with the festival being free to the community in that it has previously been over budget. He inquired if the City gave prior notice to a company in Zellwood regarding the site visit of the wastewater treatment plant by FDEP. He asked if the city was in a public/private partnership with a company in Zellwood to cover the cost of an independent investigation of the wastewater treatment plant and asked what the cost was to the citizens for this investigation. He asked if the City of Apopka started putting the disbursement report online for review by citizens as part of being transparent. He inquired how many local minority, women, and veterans have received projects under this administration. He called for exploration of a public/private partnership with Cooper Sportsplex for recreation programs and

service. He supported Commissioner Bankson's suggestion of a 25% reserve fund balance. He suggested a budget amendment to utilize some of the $103,000 for the cancelled Gospel Festival to eliminate recreation fees for Apopka youth sports teams.

Rod Love recognized today as the beginning of Black History Month. He said we all take pride in our heritage, but he is most proud of being American. He stated he wanted to be an individual that offers solutions and spoke of extending an offer to Council in 2016 referencing the ability to work together. He said approximately four months previous he brought up the issue of the CRA being citizen driven. He stated the Florida League of Cities has CRA as one of its issues to defend as the State is looking at the disbursements by CRA's. He advised he was hosting a CRA luncheon on February 28, 2017, and 32 CRA's in Orange, Seminole, and Osceola counties have been identified.

Barbara Fox and Wanda Colon are on the board of the Lake Heiniger Estates Homeowners Association. Ms. Fox read a prepared letter regarding the intersection of Binion Road, and Lake View Drive/Lake Heiniger Drive expressing concerns of increased traffic with the additional residential development and the 429 extension. They requested installing either stop signs or a stop light at this intersection to make it safer and to slow down the traffic.

Suzanne Kidd said on today's Business Agenda was a request from Apopka's Qorvo Corporation to have the City waive approximately $103,000 in impact fees Qorvo is required to pay on the current expansion of their facility. She discussed the staff report where it advised these fees cannot be waived, but any entity can pay them, including the City. She agreed with staff's recommendation that this request be declined. She stated at the December 7, 2016, Council meeting a very significant economic incentive package was approved to entice Qorvo, a global developer and manufacturer of high tech semiconductors, to expand their production and research and development capabilities at their Apopka facility, rather than see it go to Greensboro, NC. She discussed the incentives and stated our willingness to award Qorvo these incentives was a testament to our commitment to grow Apopka's economic base. She stated apparently though, the combined, City, County, and State incentives weren't enough, as they were now back asking the City to give them an avoidance of their impact fee obligation. She stated this was not a needy company, advising they had close to $7 billion in assets and their 2016 gross profits were $1.05 billion. She stated if this request is approved, a precedent will be set for future corporate demands for similar City giveaways. She urged Council to reject the request and recognize and act on the urgency of establishing a City policy or guidelines for creating and awarding future economic incentive packages.

Proclamation:

1. **Black History Month Proclamation**
   Mayor Kilsheimer read a proclamation acknowledging Black History month and presented it to Francina Boykin.

Employee Recognition:

Five Year Service Award – Susan Bone – City Clerk's Office -Deputy City Clerk – 01/03/2012 - Susan began working for the City on January 3, 2012, as a Project Coordinator in Administration. On October 1, 2014, she transferred to the City Clerk's office and became the Deputy City Clerk, which is her current position. The Commissioners joined Mayor Kilsheimer

in congratulating Susan on her years of service.

Five Year Service Award – Ariel Carrion – Police/Field Services -Police Officer – 01/03/2012 -Ariel began working for the City on January 3, 2012, as a Police Officer, which is his current position. Ariel was not present and will be presented his award at another time.

Five Year Service Award – Alexandria Logsdon – Police/Field Services - Police Officer – 01/03/2012 - Alexandria began working for the City on January 3, 2012, as a Police Officer, which is her current position. Alexandria was not present and will be presented her award at another time.

Five Year Service Award – Paul Michael "Mike" Brown – Information Technology - Computer Support Specialist – 01/23/2012 - Mike began working for the City on January 23, 2012, as a Computer Support Specialist, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Mike on his years of service.

Ten Year Service Award – Donald "Ryan" Beggs – Fire/EMS - Fire Fighter 1st Class – 01/16/2007 - Ryan began working for the City on January 16, 2007, as a Fire Fighter 1st Class in Fire Suppression. On October 1, 2014, after receiving his paramedic license, he was transferred to EMS as a Fire Fighter 1st Class/Paramedic, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Ryan on his years of service.

Ten Year Service Award – Christopher "Chris" Howell – Fire/EMS - Fire Fighter 1st Class – 01/16/2007 - Chris began working for the City on January 16, 2007, as a Fire Fighter 1st Class. On May 15, 2012, after receiving his paramedic license, he was transferred to EMS as a Fire Fighter 1st Class/Paramedic, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Chris on his years of service.

Ten Year Service Award – Darko Bocevski – Recreation/Athletics - Recreation Leader II – 01/19/2007 - Darko began working for the City on January 19, 2007, as a Recreation Leader I. On January 7, 2008, he was promoted to Recreation Leader II, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Darko on his years of service.

Fifteen Year Service Award – Kenneth "Ken" Gatton – Public Services/Design Engineering - Project Coordinator – 01/07/2002 - Ken began working for the City on January 7, 2002, as a Construction Coordinator. On November 16, 2005, he was promoted to Project Coordinator, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Ken on his years of service.

CONSENT (Action Item)
1. Authorize a Private Street Traffic Enforcement Agreement with Breckenridge Landowners Association.
2. Authorize the surplus, appraisal and bid advertisement for the sale of property.

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

BUSINESS

1. Impact Fee Assistance request from Qorvo.
   Glenn Irby, City Administrator, said Qorvo approached staff regarding a relief of their impact fees. As written in the staff report, the impact fees have to be paid and cannot be reduced or waived. However, it makes no difference who pays the fees. He advised the individual funds of the City can also pay the impact fees. Unfortunately staff cannot support this due to the benefits that have already been extended to Qorvo.

   Commissioner Bankson agreed with staff and said he could not support this request, stating it would set a precedent.

   Commissioner Dean said he wanted to go on record that Qorvo be held responsible for payment of the impact fees.

   In response to Mayor Kilsheimer's inquiring if the City Council had to take action, City Attorney Shepard advised no action was necessary and with no action the request would fail.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. **Ordinance No. 2546 – Second Reading – Annexation at 1109 S. Park Ave. and 157 Rand Ct.** The City Clerk read the title as follows:

   ORDINANCE NO. 2546

   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 HOLDINGS, LLC LOCATED AT 1109 S PARK AVENUE AND 157 RAND COURT; PROVIDING FOR DIRECTION 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 Bankson, and seconded by Commissioner Dean, to adopt Ordinance No. 2546. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Ordinance No. 2547 – First Reading – Fisher Plantation Subdivision Annexation.** The City Clerk read the title as follows:

   ORDINANCE NO. 2547

   AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ANNEXING CERTAIN UNINCORPORATED PROPERTY

GENERALLY KNOWN AS FISHER PLANTATION, AND MORE PARTICULARLY DESCRIBED HEREIN, INTO THE CORPORATE LIMITS OF THE CITY OF APOPKA; PROVIDING FOR A REFERENDUM FOR APPROVAL BY THE REGISTERED ELECTORS OF THE AREA PROPOSED TO BE ANNEXED; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Jim Hitt, Community Development Director, advised this item before Council at their last meeting. In order to meet Florida Statute requirements for a fifteen day notification to Orange County prior to the first reading, this will be advertised and held over for a Second Reading on February 15, 2017.

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

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve Ordinance No. 2547 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. **Ordinance No. 2548 – First Reading – Vacate Right of Way – West 2nd Street –** The City Clerk read the title as follows:

ORDINANCE NO. 2548

AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A PORTION OF RIGHT-OF-WAY OF WEST 2ND STREET, WEST OF SOUTH HAWTHORNE AVENUE, AND SOUTHWEST OF THE CSX RAILROAD RIGHT-OF-WAY; NORTH OF UNIMPROVED WEST 3RD STREET, SOUTH OF WEST 1ST STREET AND EAST OF COOPER PALMS PARKWAY; IN SECTION 09, TOWNSHIP 21, RANGE 28, OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

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

Mr. Hitt advised this item and the next item are vacate ordinances. The City has identified this to be a portion of property surrounded by no other roadways and there was no need for the right-of-way. A full vacate of this right-of-way is recommended and it will go to the adjacent property owner.

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. 2548 at First Reading and carry it over for a Second Reading.

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

4. **Ordinance No. 2549 – First Reading – Vacate Right of Way – West 5th Street –** The City Clerk read the title as follows:

ORDINANCE NO. 2549

AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A PORTION OF RIGHT-OF-WAY OF WEST 5TH STREET, SOUTH 30 FEET OF THE 80 FOOT RIGHT-OF-WAY OF THE UNIMPROVED WEST 5TH STREET LOCATED BETWEEN SOUTH HAWTHORNE AVENUE ON THE WEST AND SOUTH WASHINGTON AVENUE ON THE EAST AND NORTH OF ALONZO WILLIAMS PARK; IN SECTION 09, TOWNSHIP 21, RANGE 28 OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt advised that while going through the FRDAP grant it was realized a portion of the basketball court at Alonzo Williams Park is in the road right-of-way. The standard for local streets is 50 feet and this is an 80 foot wide road right-of-way. Staff is recommending vacating the southern 30 feet, which is the affected area, allowing this to be absorbed into Alonzo Williams Park.

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 approve Ordinance No. 2549 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. **Ordinance No. 2551 – First Reading – Large Scale Future Land Use Amendment –** The City Clerk read the title as follows:

ORDINANCE NO. 2551

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 OFFICE (MAX 0.3 FAR) AND RESIDENTIAL LOW (0-5 DU/AC) TO MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF OCOEE APOPKA ROAD AND NORTH OF KEENE ROAD, COMPRISING 22.4 ACRES, MORE OR LESS AND OWNED BY JOSEPH AND SWANA GATES & OAK ROYAL PROPERTIES, LLC; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, provided a brief lead-in advising this application is a request to change the land-use from Office designation to Mixed-use. The applicant intends to apply for a Mixed-use zoning classification after the application for the future land-use is transported to the Department of State for review. This is a large scale amendment, requiring state review. He advised the request is consistent with the surrounding area. Planning Commission met on January 10, 2017, and determined the proposed change is consistent with the comprehensive plan and recommended approval to transmit the application to the Department of State.

George Kramer, Director of Planning with Littlejohn, said they agree with the recommendations of staff and the Planning Commission. He stated he was present to answer any questions.

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 Velazquez, to approve Ordinance No. 2551 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. **Ordinance No. 2552 – First Reading – Small Scale Future Land Use Amendment –** The City Clerk read the title as follows:

ORDINANCE NO. 2552

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" INDUSTRIAL TO "CITY" INDUSTRIAL (MAX 0.6), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF E 13TH STREET AND WEST OF SHEELER AVENUE, COMPRISING 3 ACRES MORE OR LESS AND OWNED BY ADAMS BROTHERS CONSTRUCTION LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon said the applicant owns approximately three acres along the north side of the CSX railroad tracks at Thirteenth Street. The owner also owns the adjacent property and they want to consolidate the land into one development. Their request is to have land-use and zoning consistent with the current and future use of the property. The surrounding property is industrial. Planning Commission found this to be consistent with the comprehensive plan and the character of the surrounding area and recommends approval..

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve Ordinance No. 2552 at First Reading and carry it over for a Second Reading.

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

7. **Ordinance No. 2553 – First Reading – Change of Zoning –** The City Clerk read the title as follows:

ORDINANCE NO. 2553

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" C-3 (ZIP) TO "CITY" I-1 (RESTRICTED INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF 13TH STREET, WEST OF SHEELER AVENUE, COMPRISING 3 ACRES MORE OR LESS, AND OWNED BY ADAMS BROTHERS CONSTRUCTION, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Moon said the request is to change the zoning on the subject property, advising this was the same site and property owner as the future land-use amendment just presented. The information supports the request.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve Ordinance No. 2553 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

8. **Resolution No. 2017-03 – Canterwood Bonds -** The City Clerk read the title as follows:

RESOLUTION NO. 2017-03

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF APOPKA, FLORIDA TO ISSUE REVENUE BONDS IN ONE OR MORE SERIES TO MAKE A LOAN TO CANTERWOOD APOPKA REAL ESTATE, LLC, TO ACQUIRE, CONSTRUCT, INSTALL AND EQUIP AN ADULT ASSISTED LIVING FACILITY CONSISTING OF A QUALIFIED RESIDENTIAL RENTAL PROJECT WITHIN THE MEANING OF SECTION 142(d) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; EXPRESSING SUCH INTENT SOLELY FOR PURPOSES OF COMPLIANCE WITH UNITED STATES TREASURY REGULATION SECTION 1.150-(2)(e) TO REIMBURSE WITH THE PROCEEDS OF SUCH BONDS, EXPENDITURES MADE WITH RESPECT TO THE CONSTRUCTION AND EQUIPPING OF SUCH IMPROVEMENTS; PROVIDING FOR THE ISSUANCE BY THE CITY OF BONDS OR OTHER OBLIGATIONS IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING $38,000,000 TO PAY THE COST OF SUCH PROJECTS; AND PROVIDING AN EFFECTIVE DATE.

Mike Williams, Akerman Law Firm, said there were two separate actions, both required by the tax regulation. The Resolution allows Canterwood to spend their own funds and get reimbursed from the bond proceeds when that issue closes. The second matter, the public hearing was published in The Apopka Chief, as required by the code.

Joel Hass, Senior Vice President of MJM and Associates, extended his highest words of appreciation, stating every time he works with the Planning Department, they are working toward the final steps of permitting. He stated at this time they are working on the financing and said he looked forward to working with the City as they continue this process.

Commissioner Becker said the only clarification he would ask for is confirmation the City has no monetary financial risks or any other unintended risks, whether that be operational or reputational risks by entering into this.

City Attorney Shepard confirmed there were no fiscal risks or impact to the City of Apopka.

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 Resolution No. 2017-03. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

Commissioner Dean said there was a motion that was tabled at the last Council meeting and he would like to pull that motion from the table with regards to the City partnering with Cooper Sportsplex. He asked Mr. Cooper to make a statement pertaining to a partnership with the City.

Mayor Kilsheimer asked David Burgoon, Recreation Director, if he had reached out to the Cooper organization.

David Burgoon, Recreation Director, responded in the affirmative, stating they did discuss some options, but have not arrived to a solution. He said they can continue to discuss this in the future and work toward arriving on an agreement.

Mike Cooper said they were all for partnering with the City if they can arrive to an agreement where they can work together. He said they would like to know to what extent the City would like to work with them and at the same time they would like to work with the City. He said this was for the community and this sports facility was doing a lot for the community. He also discussed the possibility of putting in an Olympic size swimming pool in that area, and suggested that perhaps the City, Orange County School Board, and Cooper Sportsplex could work together. He affirmed they were booked every weekend between now and the end of July.

Commissioner Dean said he would like for staff to work with Mr. Cooper and work on a plan.

Commissioner Bankson said there is a focus on health as well and perhaps Florida Hospital could be a player in this as well.

Commissioner Becker said the facility Mr. Cooper has is a beautiful facility. He stated he would like to entertain more detail on what is being proposed.

Mr. Irby suggested City Council give staff direction to start an investigation on this all the way up to costs of different projects they could do at this facility, then bring this information back to Council at a later date.

Mayor Kilsheimer said to come up with the general direction and possibilities, stating there was nothing wrong with having a conversation.

Commissioner Bankson said the swimming facility would be one item to pursue, and another would be hotel facilities due to the location to easily work with Field of Dreams on regional sports events.

MAYOR'S REPORT

Mayor Kilsheimer reported the City does not have a written report on the Wastewater Treatment Plant, but they did have a verbal discussion with the outside engineering firm hired, Woodard and Curran. He reported what they have learned so far is that everything at the Wastewater Treatment Plant is both manageable and correctable. He advised there will be a written report forthcoming. He reiterated the City is committed to operating the Wastewater Treatment Plant with the highest regards for public health, public safety, and employee health and employee safety. He reported that he had another discussion with the Director of the Central District of the DEP this morning and reiterated there has been no harm to public health as a result of anything that has occurred at the Wastewater Treatment Plant.

ADJOURNMENT – There being no further business the meeting adjourned at 2:41 p.m.

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda F. Goff, City Clerk