

CITY OF APOPKA

Minutes of the regular City Council meeting held on January 18, 2017, at 7:00 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: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice
WFTV – Channel 9 News

INVOCATION: Mayor Kilsheimer introduced Pastor Jeanne Bowser of Word of Life Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on Monday our Nation remembered the life and works of Dr. Martin Luther King, Jr. He was born January 15, 1929, in Atlanta, Georgia, son of a Baptist minister. He would go on to obtain a doctorate in theology. Dr. King advocated civil disobedience and nonviolent resistance to segregation. In 1955, Dr. King helped organize the first major protest of the Civil Rights Movement, the Montgomery bus boycott. Over the next several years he staged many peaceful protests throughout the Nation and became the voice of the Civil Rights Movement. In 1963, the March on Washington culminated Dr. King's "I Have a Dream" speech and the following year, Civil Rights Act of 1964 became law and the twenty-fourth amendment was ratified abolishing the poll tax. Dr. King became the youngest recipient of the Nobel Peace Prize. Tragically, Dr. King's life came to an abrupt end on April 4, 1968, when he was assassinated in Memphis, Tennessee. He asked everyone to reflect on Dr. King's legacy as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council workshop December 13, 2016.
2. City Council meeting December 21, 2016.
3. City Council meeting January 4, 2017.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to approve the December 13, 2016, December 21, 2016, and January 4, 2017, City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: There were no changes to the agenda.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Ray Shackelford said he was here to call upon Council to set up a fund balance of at least twenty-five percent to protect the bond rating and fiscal integrity of the city. He asked Council to explore a public/private partnership with Cooper Sportsplex. He requested Council allow a presentation of the Apopka Task Force on Violence. He asked Council to do a budget amendment for the \$103,000 for the Gospel Festival to eliminate recreation fees for Apopka sports teams. He called upon Council to verify all pollutants coming to the wastewater treatment plant.

Rod Love said he spoke at a previous Council meeting asking Council to consider an ordinance that would provide notification to the community as it relates to any potential health hazard. At that time there was discussion regarding the Governor putting in place an executive order. He emphasized the need for transparency and asked the City Council to reconsider invoking an ordinance so there is public notification for potential health crisis. He stated the public is seeing various news reports and said transparency would calm the public.

Mayor Kilsheimer advised they were prepared to talk about the wastewater treatment plant at the end of public comment.

David Rankin spoke regarding questions and concerns about the Florida DEP warning letter. He read prepared comments and questions. He stated a letter from DEP was received by the City dated December 30, 2016 regarding an inspection conducted between November 30, 2016 and December 1, 2016. He said the public needs answers to each of the violations and read off a list of questions based on the violations. He provided a copy of his comments and questions which is on file in the Clerk's office.

Pastor Richard King said he was here due to concerns he has regarding issues at the wastewater plant. He lives across the street from the plant and asked if it was reversible and did it pose a threat, immediate or down the road, to the people of the community.

Michael Heaton said the traffic intersection of Plymouth Sorrento Road and Lester Road is under construction. He stated when the poles were ordered for the traffic lights they were told the coordination with the construction of the road would be taken care of at the same time. He inquired when the lights would be operable. He also spoke of the speed limit on Plymouth Sorrento Road stating traffic is not safe due to vehicles speeding on this road.

Mayor Kilsheimer advised Mr. Irby met with Duke Energy today regarding when they would bring electricity to the poles. He also advised that Plymouth Sorrento Road was maintained by Orange County and they are in charge of the speed limit.

Alexander Smith said he was a resident and thanked the Police Department for their assistance in the Martin Luther King Parade. He stated last year he addressed contamination of water and asked at that time about contamination of well water and who would be responsible for cleaning those wells.

Tamara Sargent-Benitez addressed Council on increased homelessness, drug houses, and crime in the area. She said at least five well known drug houses are within close proximity to here. She stated there were as many as ten homeless people at times in the downtown area. She spoke of the

recent standoff on Binion Road and the reverse 911 call, stating most of the residents in Clear Lake Estates, Maudehelen, and Lake Henniger had no notice of what was going on. She asked that for the security and value of the community that some of these matters be addressed.

Mayor Kilsheimer said the issue of these drug houses are in Orange County, therefore, we have no jurisdiction in that area, even though they do cause issues in Apopka. Mayor Kilsheimer stated Apopka Police Department is working in conjunction with Orange County Sheriff's Office regarding the drug houses, but no further comment could be made.

Suzanne Kidd said she would like to end public comment on a positive note, stating the City was doing some very positive things. She stated we can be very proud of national recognition received this week for the Apopka Youth Works. Mayor Kilsheimer was invited to Washington DC to share the success of this program at the United States Conference of Mayors. She said the fact that the conference saw sufficient value in Apopka's initiative to spot light it as a model for preparing moderate to low income high school students for employment is a testament to this City's deep commitment to providing economic advancement for all segments of Apopka.

Mayor Kilsheimer said since we have a lot of people here interested in the wastewater treatment plant, he asked Glenn Irby, Jay Davoll, and Kevin Burgess to be prepared to speak tonight to address this issue.

Jay Davoll, Public Services Director/City Engineer, showed a layout of the wastewater plant and explained some of the issues. He said they were not prepared this evening to address the entire letter, stating they are meeting with FDEP tomorrow afternoon to go over all of the items. He explained the plant is a series of two plants that were theoretically approved to treat 4.5 million gallons, advising that the plants were originally 4 million gallons. He pointed out plant one, which is a self-contained package plant, and pointed out plant two, showing where the waste comes in to, then splits off between the two plants going through the treatment process. There are two holding ponds for reclaimed water, each holding 8 million gallons. He explained the wastewater plant was initially set up to be able to treat and send out all the wastewater as reclaimed water. The reclaimed water has standards for TSS (Total Suspended Solids) of less than 5 parts per million, turbidity of less than 3 parts per million and a chlorine level of at least 1. When the treated water cannot be sent to reclaimed, it goes into holding ponds that holds a total of 9 million gallons. Pursuant to the City's DEP permit, water from these ponds can be sprayed out to the spray fields. He stated the City is under a consent order and construction for the new wastewater plan has started in order to meet requirements.

Mayor Kilsheimer reiterated that the City is under order by the FDEP to increase the efficiency and the capacity of our wastewater treatment plant. This order was entered in 2015. He said there was a consent order due to the Wekiva Parkway and Protection Act of 2004, which required eleven utilities, including the City of Apopka, to expand and improve the wastewater treatment capacity to comply with stricter standards under the law. The original deadline for increasing and expanding the capacity was 2011. The District Director of the DEP said due to the crash of the economy, the DEP did not stringently enforce the requirements for the expansion and upgrade of treatment plants. In December of 2014, a call was received from the District Director advising with the economy coming back, it was decided to get back on track with this expansion and we entered the consent order to build the expansion.

Mr. Davoll said when the water meets the reclaimed requirements it comes into tanks and is then shipped to various locations throughout the city where reclaimed water is stored in either a tank or lined pond. If the treated water does not meet those requirements, it goes into holding ponds. The preferred choice is to put it back through the treatment plant so it can be sent out as reclaimed water. If this cannot be done, then it is put on the sprayfields. He reiterated they will be meeting with FDEP tomorrow to address these issues.

Mr. Irby advised the City has engaged engineering firms to discuss what could have possibly caused some of the upsets at the plant. He also noted the meeting with FDEP tomorrow, stating the plan going forward it to address and fix these issues.

Mayor Kilsheimer said he spoke with the District Director of FDEP today and asked directly if the City of Apopka has caused any public health concern with these issues of the wastewater treatment. His answer unequivocally was no. Mayor Kilsheimer affirmed the City does not answer to ourselves when it comes to the wastewater treatment. We answer to the Florida Department of Environmental Protection and to the Florida Department of Health. He declared that both organizations have told us there is no public health issue. There also is no connection between issues relating to wastewater and the city's public drinking water supply. In regards to the residential shallow wells: There are monitoring wells on the City of Apopka property that would detect any increase in any of the constituents that are tested for before it gets to any of the resident's wells. He committed that the City will abide by not only the letter, but the spirit of the law, when operating our wastewater treatment plant, not only with the health and safety of the public in mind, but the health and safety of our employees in mind.

In response to Commissioner Dean regarding an independent investigation, Mr. Irby advised we were contracting with a company for that purpose that will be onsite Monday.

Presentatons:

1. Tree Climbing Championship presentation by The Davey Tree Expert Company

Adam Jackson said he is a resident of Apopka and works for The Davey Tree Expert Company. He reviewed a PowerPoint presentation reviewing events that take place during a Tree Climbing Championship competition. He advised this was previously held at Magnolia Park and they would like to bring the competition to Apopka, requesting to hold it in Kit Land Nelson Park.

CONSENT (Action Item)

1. Acceptance of a grant award from the Orange County EMS Council.
2. Authorize the issuance of a blanket purchase order for inventory supplies to H.D. Supply Waterworks, Ltd.
3. Authorize the final extension of the contract for Professional Land Surveying and Mapping Services.
4. Authorize the appointment of Jackson Young to the Police Officers Pension Board.
5. Authorize the renaming of a portion of Recreation Way to Firehouse Lane.
6. Authorize a partial road closure for Marden Road to construct two new roundabouts.

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

BUSINESS

1. Final Development Plan/Plat – Magnolia Commerce Center.

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

David Moon, Planning Manager, provided a brief lead-in of the Final Development Plan/Plat for Magnolia Commerce Center. The staff report is on file.

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 Bankson, to approve the Final Development Plan/Plat for Magnolia Commerce Center, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Replat – Cooper Palms Lots 10 and 11.

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

David Moon provided a brief lead-in for the Cooper Palms Lots 10 and 11 replat. The staff report is on file.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve the Replat for Cooper Palms Lots 10 and 11, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. **Ordinance No. 2543 – Second Reading – Fire and Police Impact Fees.** The City Clerk read the title as follows:

ORDINANCE NO. 2543

AN ORDINANCE OF THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA, RELATING TO FIRE/EMS AND POLICE IMPACT FEES; ADOPTING FIRE/EMS AND POLICE IMPACT FEE STUDIES BASED ON CURRENT AND PROJECTED GROWTH; PROVIDING INTENT AND PURPOSE; PROVIDING FOR EXEMPTIONS, CREDITS, AND OTHER MATTERS PERTINENT TO IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting to a public hearing.

Jeff Welch said since he spoke at the last meeting he has met with Jim Hitt and Glenn Irby and he was here to speak in favor of the impact fees after having the opportunity to discuss this with them.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to adopt Ordinance No. 2543, with the impact fee at 100%. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Ordinance No. 2544 – Second Reading – Parks and Recreation Impact Fees.** The City Clerk read the title as follows:

ORDINANCE NO. 2544

AN ORDINANCE OF THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA, RELATING TO PARKS AND RECREATION IMPACT FEES; ADOPTING A PARKS AND RECREATION IMPACT FEE STUDY BASED ON CURRENT AND PROJECTED GROWTH; PROVIDING INTENT AND PURPOSE; PROVIDING FOR EXEMPTIONS, CREDITS, AND OTHER MATTERS PERTINENT TO PARKS AND RECREATION IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING 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 Becker to adopt Ordinance No. 2544, with the impact fee at 100%. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. **Ordinance No. 2545 – Second Reading – Adjust Pension Board Member Terms.** The City Clerk read the title as follows:

ORDINANCE NO. 2545

AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF APOPKA, FLORIDA, AMENDING ARTICLE II, “GENERAL EMPLOYEES’ RETIREMENT SYSTEM” OF CHAPTER 63 THROUGH AMENDMENT OF SECTION 63-23, BOARD OF TRUSTEES; AMENDING ARTICLE III, “FIREFIGHTERS’ RETIREMENT SYSTEM” OF CHAPTER 63 THROUGH AMENDMENT OF SECTION 63-63, BOARD OF TRUSTEES; AMENDING ARTICLE IV, “POLICE OFFICERS’ RETIREMENT

SYSTEM” OF CHAPTER 63 THROUGH AMENDMENT OF SECTION 63-103, BOARD OF TRUSTEES; PROVIDING FOR DIRECTION TO THE CITY CLERK, FOR CONFLICT, SEVERABILITY, 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 Bankson, to adopt Ordinance No. 2545. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. **Ordinance No. 2546 – First 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.

Kyle Wilkes, Planner, provided a brief lead-in, reviewing the location of the property owned by Apopka Holdings, LLC. The County was provided notification on December 30, 2016.

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. 2546 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. 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.

James Hitt, Community Development Director, advised the City has received annexation requests from the residents of the Fisher Plantation subdivision. Discussions and meetings with residents and homeowners indicate a majority of the residents support annexation. This annexation of the Fisher Plantation subdivision will be by referendum April 11, 2017. The referendum will be conducted by the Supervisor of Elections office mailing ballots to registered electors of the subdivision. As part of the process, City Council needs to adopt an ordinance proposing the annexation of Fisher Plantation. The ordinance becomes effective 10 days after the referendum, providing there is a majority vote for the annexation.

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. 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.

6. **Resolution No. 2017-02 – Quality Target Industry (QTI) Program – Qorvo.** The City Clerk read the title as follows:

RESOLUTION NO. 2017-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, RECOMMENDING THAT QORVO FLORIDA, INC. BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES; PROVIDING AN APPROPRIATION OF \$60,000 AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL YEARS 2017-2024; PROVIDING FOR LOCAL FINANCIAL SUPPORT IN THE FORM OF AD VALOREM TAX ABATEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Hitt advised this had been before Council previously. This resolution is providing for a few minor amendments.

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 Resolution No. 2017-02. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

MOTION by Commissioner Dean and seconded by Commissioner Bankson to explore a public/private partnership with Cooper Sportsplex regarding recreation services.

MOTION by Commissioner Dean, and seconded by Commissioner Becker to table the motion to the next meeting. Motion to table carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker and Bankson voting aye.

MOTION by Commissioner Dean, and seconded by Commissioner Becker to allow a presentation of the Task Force on Violence. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker and Bankson voting aye.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson to move the April 5, 2017 City Council meeting to March 29, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker and Bankson voting aye.

Commissioner Becker said next Monday is the next regularly scheduled board meeting of the Lake Apopka Natural Gas District (LANGD). He stated he will not be able to attend the meeting and he wanted to share his opinions as he feels this upcoming meeting to be very important to the relationship of LANGD and the City of Apopka. He read a prepared statement wherein he said the LANGD Board next week will consider six potential options. In this statement he stated he strongly supported option six. A copy of his statement is on file.

Commissioner Bankson said with respect to Rod Love's suggestion, he felt it may be good to consider an ordinance regarding notification of health and water issues.

Mayor Kilsheimer suggested looking at what other cities have done.

MAYOR'S REPORT – Mayor Kilsheimer reported he was invited by the US Conference of Mayors to speak about the success of our Apopka Youth Works program today in Washington, D.C. He will be flying back to Washington D.C. in the morning, as tomorrow at the lunch for the U.S. Conference of Mayors, the City of Apopka will be one of two cities awarded a grant in the amount of \$10,000 for our Apopka Youth Works program for the specific purpose of increasing the financial literacy component. He reported Apopka will be hiring 100 youth for summer employment this year.

ADJOURNMENT – There being no further business the meeting adjourned at 8:53 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk