

## CITY OF APOPKA

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**Minutes of the City Council special meeting held on January 15, 2016, immediately following the 11:00 a.m. workshop, in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Bill Arrowsmith  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Sam Ruth  
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief

### CONSENT ACTION ITEMS

1. Authorize demolitions of the buildings on Lent Road & West Lester Road
2. Authorize electrical upgrade at the NWRC at a cost not to exceed \$19,000.00.

**MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith to approve the Consent Agenda as submitted. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

### DISCUSSION

1. Sales & Purchase Agreement; Taurus Southern Investments

Mayor Kilsheimer opened the meeting to public input.

Jeff Welch said he was wearing two hats today, one as the Chairman of the Chamber of Commerce, however, he was speaking as an individual. He stated one of the challenges in the community was the lack of commercial corridor and the Chamber applauds the opportunity of more businesses coming in to serve the needs of this community. He also is representative of Kelly Park Crossing and the development that was approved as a DRI at the Kelly Park exit of the Wekiva Parkway is the only commercial exit on the Wekiva Parkway. He stated they believe the big box stores will come to that area. He said the developer needs to control the land before they can spend money on the development.

Ray Shackelford said upfront that he favors establishment of the town center. He cautioned in proceeding forward, the property values increased, garbage collection fees increased, and possibly utility fees may increase. In consideration of this project, he asked to try and sell for the appraised value. He stated since this is over ten years, it would be nice to receive interest on the funding.

Tenita Reid spoke in favor of the downtown center, but expressed concerns that the price they are selling the land for is too low. She stated she would not want to see the property flipped to another developer rather than developing the town center. She also expressed concerns regarding moving Highland Manor.

Young Kim said as a business person, when dealing with a corporation or company, you do not take the first bid and there should be a bargaining process and negotiate with the company.

Suzanne Kidd had questions related to the agreement regarding the 15-day inspection period, yet in another area it mentioned the property being purchased in an as-is condition. She asked why it was subject to inspection if being purchased as-is, to which Mr. Calan advised a typical commercial real estate contract has an inspection process before the person decides to purchase the property as-is.

Ms. Kidd inquired about the amount of time the developer has to work on this giving the buyer up to 700 days to close on four of the parcels and then they have up to ten years to close on all of the parcels. In addition, they have up to thirty-six months to develop 50,000 square feet and stated this seems like a small amount of development over a three year period.

Jan Chamberlin, Vanson Property Group, said they are owners and managers of a small retail center at 395 East Main Street, and stated she disputed the trade area including the Wekiva Sweetwater area and stated there is already a fragile balance in retail for Apopka already.

Rod Love said he commended and agreed with Commissioner Arrowsmith that this project should move forward and it was time to do something with this property. He stated Dr. Shackelford made a point about the funding and interest was worth discussing. He suggested other options be considered with regards to moving Highland Manor. He asked for serious consideration for minority, women, and veteran contracting for this project by the developer and City.

Dennis New said he came to the meeting for information and expressed concerns regarding selling this property at a loss. He stated he has lived here his entire life and said the state wants the traffic to flow at the intersection of 441 and 436. He said he agreed there must be some hidden costs with this project, but he will stand behind the elected officials in the decision they make.

Leann Bellinger said she would have thought a project of this magnitude would have been advertised statewide. She asked what would happen if FDOT denies a traffic light or work on the road in this area.

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

Mayor Kilsheimer said we are in a due diligence phase, and there have been negotiations with Taurus since the fall of 2015. He stated their team is highly capable and their team is fully experienced in bringing about these types of projects. He recommended moving forward to see if they can come to an agreement. He affirmed Apopka is at a threshold of growth in Central Florida.

Commissioner Dean supported having interest on the \$5 million.

Commissioner Velazquez said the developer needs to have ownership or control in order to move forward with any negotiations for development.

Mr. Callan clarified the purchase price, stating the purchase price by Taurus is \$150,000 per acre for each acre of the development, of which, only about 11 acres so far are planned for commercial/retail type of development. If you look at the appraisal the City obtained, it was on 11 acres for commercial development. He said there were negotiations back and forth with staff and it should be acknowledged this is a blended rate for both residential and commercial development in a project. He said it was a good value on the blended rate.

Commissioner Dean brought up negotiating interest to be paid on the \$5 million.

Mr. McFadden declared they were not borrowing \$5 million dollars. They are purchasing land as they take it down. He said to have interest accrue on land they do not own does not make sense to him and does not feel this is the appropriate venue to negotiate a purchase and sale agreement that they have worked on for months.

**MOTION by Commissioner Dean to put in the contract, when negotiated, that Taurus pay interest on the \$5 million dollars over the ten years needed to pay it off. Motion failed due to lack of a second.**

Mayor Kilsheimer said that would be a negotiated issue, not something that can just be placed in the agreement. Taurus would have to agree to pay this if the City demanded this and Mr. McFadden has given the answer that they would not be interested in paying interest.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Arrowsmith to approve the proposed sale and purchase agreement of the city owned land to Taurus Southern Investments. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Arrowsmith, Velazquez, and Ruth voting aye, and Commissioner Dean voting nay.**

**ADJOURNMENT** – There being no further business the meeting adjourned at 12:11 p.m.

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda F. Goff, City Clerk