CITY OF APOPKA

Minutes of the regular City Council meeting held on January 4, 2017, at 1:30 p.m., in the City of Apopka Council Chambers.

CITY OF APOPKA COLOR GUARD - Mayor Kilsheimer called for the marching of the Colors, presented by the Apopka Color Guard. Color Guard members are: Apopka Police Department: Sergeant Steve Harmon, Officer Cliff MacDonald, Officer, Josean Velez-Cantres, and from the Apopka Fire Department: Firefighter Dwight Ashton, and Firefighter John McGuire.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer led in the Pledge of Allegiance. Sergeant Harmon called for the posting of the Colors.

APPROVAL OF MINUTES:
1. City Council meeting December 7, 2016.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve the December 7, 2016, 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 suggested that as recreation programs and services are expanded, the City explore a private/public partnership with the Cooper's Sportsplex. He expressed concerns regarding transparency as related to the City of Life Foundation and Apopka Begins and Ends with "A" program. He pointed out his educational credentials and said he strongly resents the location of the "A" program and expressed concerns regarding fiscal accountability of this program. He declared this program was duplicating activities of the school advisory council, PTO, PTA, PTSA, or current school volunteer program. He commended the Apopka Task Force for their report.

Linda Laurendeau spoke of the water bills and how the webpage has changed, stating there was no account detail. She stated the account detail is utilized to look at leaks, if sprinklers are mis-programmed, etc. She declared this was very important to the citizens and also suggested adding the tax amount on the history. She also mentioned the KaBOOM! Grant on the Consent Agenda stating there was a policy that all community partners must not wear branded clothing.

Rod Love said Senator Galvano was sponsoring a bill that addresses water contaminants, pollution, addressing a mandatory reporting to the public when there are contaminants. He stated Pastor Smith posed a question to the Council several months ago regarding contaminants and who would be responsible for notification. He suggested there needed to be an ordinance that mandates notification of the public. He said he hosted a small business luncheon approximately a month ago and issues were discussed regarding how businesses can grow in Apopka and how minority and female owned businesses can take advantage of contract opportunities.

Proclamation: A proclamation was read by Mayor Kilsheimer acknowledging Arbor Day, and presented to David Burgoon, Recreation Director.

Employee Recognition:

Five Year Service Award – Jose Posadas – Public Services/Facilities - Maintenance Worker I – 12/12/2011. Jose began working for the City on December 12, 2011, as a Maintenance Worker I in Streets. On April 18, 2106, he transferred to facilities and became a Facility Maintenance Worker I, which is his current position. Jose was not present and his award will be presented at another time.

Ten Year Service Award – Charles Stephenson – Public Services/Fleet - Fleet Superintendent – 12/12/2006. Charles began working for the City on December 12, 2006, as an Equipment Mechanic. On August 29, 2016, he was appointed Interim Fleet Superintendent and on December 20, 2016, was promoted to the Fleet Superintendent position, which is his current position. Charles was not present and his award will be presented at another time.

Ten Year Service Award – Ashley Sullivan – Police/Field Services - Police Officer – 12/15/2006. Ashley began working for the City on December 15, 2006, as a Police Officer Trainee. On February 21, 2007, she became a Police Officer, which is her current position. Ashley was not present and her award will be presented at another time.

Fifteen Year Service Award – Ben Mewhirter – Fire/EMS - Fire Engineer – 12/01/2001. Ben began working for the City on December 1, 2001, as a Fire Fighter 1st Class. On October 1, 2015, he was promoted to Fire Engineer, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Ben on his years of service.

Fifteen Year Service Award – Terrance "Terry" Hicks – Public Services/Utility Maintenance - Utility Service Worker II – 12/03/2001. Terry began working for the City on December 3, 2001, as a Utility Service Worker I. On December 3, 2003, he was reclassified to Utility Service Worker II, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Terry on his years of service.

CONSENT (Action Item)

1. Authorize an agreement for Utility Bill Printing and Mailing Services with Municipal Code Corporation.
2. Authorize a Donation from the Law Enforcement Trust Funds to Kid's House Childrens Advocacy Center.
3. Authorize the acceptance of the KaBOOM! grant and approve the funding.
4. Authorize a partnership with the Orlando Magic for a Jr. Magic Basketball League.
5. Authorize a lease to own agreement for commercial equipment in the Recreation Department.
6. Authorize a contract amendment with the Department of Corrections for an inmate work squad.
7. Authorize the Purchase of two Bypass Pumps for sanitary sewer lift stations.
8. Authorize an Incubator Agreement with the University of Central Florida.
9. Authorize an agreement and funding with the City of Life Foundation.

Discussion was held on items one, three, four, eight, and nine. Item nine was pulled for separate action.

Mayor Kilsheimer opened the Consent Agenda to Public Comment.
Ray Shackelford applauded the Mayor for his focus on education, but stated the location of this program was in the wrong place. He said if giving tax money, the funds should go to the school advisory council, PTO, PTA, or PTSA.

Rod Love spoke of lack of communication with regards to the Orlando Magic basketball partnership, stating they have had discussions with law enforcement agencies regarding establishing basketball leagues. He expressed concern regarding the cost of the program. He stated with regards to Consent Agenda Item nine, he applauded efforts of trying to reach youth from an educational standpoint, but felt if the contract was put out to bid, this discussion would not be an issue.

Veronica Rodgers said she is the President of Phyllis Wheatley PTA and said everything the Mayor said was true. She said they have been doing the same thing at Phillis Wheatley without any help.

Isadora Dean said she totally supported education and she was very proud of Apopka schools. She stated she has taught many successful graduates and said the focus needs to be on the individual, not a matter of what grade the school is they are attending.

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

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

MOTION by Commissioner Becker, and seconded by Commissioner Dean to approve Consent Agenda Item 9. Motion carried by a three-two vote with Mayor Kilsheimer, and Commissioners Velazquez and Becker voting aye, and Commissioners Dean and Bankson voting nay.

The City Council recessed at 3:17 p.m. and reconvened at 3:26 p.m.

BUSINESS

1. Preliminary Development Plan – Carriage Hill Residential Subdivision.
   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 Preliminary Development Plan for Carriage Hill residential subdivision. He reviewed the site location which is at the north end of Rogers Road on the east side of the road to the east of Wekiva Run residential community and north of Lester Ridge residential community. The proposed subdivision will have 73 lots with a minimum living area for the home of 1,500 sq. ft. The minimum lot area proposed by the applicant is a minimum of 9,000 sq. ft. lots. He pointed out limited development due to an aged sinkhole, but advised that access is required to that site so not to create a land block situation for that property owner. Planning Commission met on December 13, 2016 and recommended approval.

Discussion ensued regarding the sinkhole area and whether a fence or wall will be required around this area as well as the retention pond.

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 the Preliminary Development Plan for Carriage Hill, 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 – First 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.

Glenn Irby, City Administrator, said the consultant from Public Resources Management Group (PRMG) was present to offer a presentation on both ordinances. He advised the Fire/EMS and Police impact fees being considered are new to the City, whereas the Parks and Recreation impact fees are being amended.

Henry Thomas, PRMG, said there were workshop meetings on each of these impact fees and he has been asked to go through the presentation for the benefit of the public. He advised some of the information and theory is the same for these, stating he would go through the entire presentation for Police and Fire and skip over the redundancy for Recreation. He reviewed PowerPoint presentations for the recommended impact fees. A copy of the presentation is available in the clerk's office. He reviewed comparison impact fees of other areas. He also explained if the City chose to, they could incrementally phase-in the fees to a full level over time. He advised that upon adoption of the ordinances, there is a 90 day grace period before any of these fees can be imposed. The proposed full impact fee for Police is $747.00. The proposed full impact fee for Fire/EMS is $708.00. Mr. Thomas went on to review the Parks and Recreation Services impact fees. He advised the existing Residential impact fee is $241.05 and Hotel/Motel $50.00. The proposed full impact fee for Residential is $1,060.00. It is proposed not to charge the Hotel/Motel impact fee. In conclusion, he declared to be able to fund infrastructure demands and capital requirements that new development places on the City, impact fees have been found to be a valid and necessary funding source.

He said if these fees are continued to be maintained at artificially low levels, it will continue to place the burden of providing capital and infrastructure necessities on current residents, as opposed to the new growth that is creating the demand.

Mr. Irby advised the ordinances are structured to 80% of the impact fee resultant of the study. He stated staff was of the opinion the City needs to go to the full amount.

Mayor Kilsheimer opened the meeting to a public hearing.

Jeff Welch of Rochelle Holdings, said he was not a resident of the city, but he has been involved here for several years, most recently as the Chair of the Apopka Chamber of Commerce. He stated he has always found Apopka to be an amazing city and it is an incredible value. He said the City is in a great opportunity for growth and they are hoping their project at Kelly Park to be part of that growth. He stated one of the advantages of Apopka has been better city services, Fire and Police, yet at a more affordable rate. He expressed concern if set at 100% they may see some of this development come to a stop. He stated he understands new growth should not be a burden on existing residents, and urged Council to take a weighted measure at this and look at where they would fit in with the other communities.

Suzanne Kidd said Mr. Welch did mention a comparison with Ocoee, Winter Garden, and she also compared to Mount Dora. She stated looking at 100% implementation of the fee, if leaving out the other impact fees and only compare Police, Fire, and Recreation, Apopka will still be the lowest of those three.

Tenita Reid said impact fees help the residents and places the burden on the developers, many of whom do not live here. She spoke in support of these fees and the residents.

Rod Love said this warrants the Council stepping back and looking at the rates. He stated Apopka is growing as people love the small town feel and they also love that our taxes are not high. He stated with regard to Public Comment, it was placed at the beginning of the agenda so people did not have to wait through the entire meeting. He asked responses be allowed after public comment.

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

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve Ordinance No. 2543 at First Reading and carry it over for a Second Reading, providing direction to staff to set the impact fee at 100%. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

Commissioner Bankson inquired if they could address the public comments, in particular the comment brought up about notifying the public of different water issues.

Mayor Kilsheimer advised this was a separate discussion and there was time under Council Reports. He advised Governor Scott, within the past 60 days, issued a proclamation that any

environmental incident must be reported within twenty-four hours. He stated he would prefer to get through the agenda and have that open discussion under Council Reports.

Commissioner Becker said other cities under their public comment period prohibit any interaction or dialogue between the Council and public comments.

City Attorney Shepard advised it was not typical to provide immediate feedback to the public. As to when the feedback is provided, would be an individual decision of the body and is often done under the Council Reports.

2. **Ordinance No. 2544 – First 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.

Jeff Welch said we were using population projections based off of past and how the city grew. He said one of the key things is unincorporated Orange County and being in competition with them. If they City's impact fees grow to where it does not make sense to annex, then the general revenues will flatten out. He reiterated and said he agreed that new development should not impact existing residents. The general revenue growth coming from new homes being built and paying taxes was very important to the city staying fiscally sound.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve Ordinance No. 2544 at First Reading and carry it over for a Second Reading, providing direction to staff to set the impact fee at 100%. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. **Ordinance No. 2545 – First 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.

Sharon Thornton, Human Resource Director, said this ordinance was basically a housekeeping issue. All of the trustees were rotating on the same cycle and the Boards discussed having alternate rotations so not to end up with a completely new Board. The appointed positions will be adjusted so that the appointed positions and elected positions will be every other year.

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. 2545 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. **Resolution No. 2017-01 – Florida League of Cities Appointment.** The City Clerk read the title as follows:

RESOLUTION NO. 2017-01

A RESOLUTION OF THE CITY OF APOPKA, FLORIDA, URGING THE APPOINTMENT OF MUNICIPAL OFFICIALS TO THE 2017-18 CONSTITUTION REVISION COMMISSION, SUPPORTING THE PROTECTION OF MUNICIPAL HOME RULE; SUPPORTING THE POSITIONS OF THE FLORIDA LEAGUE OF CITIES, INC.; SUPPORTING THE APPOINTMENT OF FLORIDA LEAGUE OF CITIES PRESIDENT, BOCA RATON MAYOR SUSAN HAYNIE; PROVIDING AN EFFECTIVE DATE.

Mayor Kilsheimer said this resolution supports the Florida League of Cities President, Boca Raton Mayor Susan Haynie as the Florida League of Cities representative on the Constitution Revision Commission.

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 Resolution No. 2017-01. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

Commissioner Becker said Mr. Love brings up a valid point and stated with the new website the City as an opportunity to be proactive in our notifications to residents. He stated the City needs to be very targeted and purposeful with our message on how we promote our water in the City of Apopka. He further pointed out that with regards to the KaBOOM! grant that there will be a banner recognizing sponsors and those contributing help with this project.

MAYOR'S REPORT – Mayor Kilsheimer said he read the Task Force report and suggested they may want to hold a series of workshop meetings on South Apopka, breaking up the topics such as annexation, economic development, and youth and criminal justice issues. He said hearing no objection, staff will be asked to move in that direction.

ADJOURNMENT – There being no further business the meeting adjourned at 4:35 p.m.

_____
Joseph E. Kilsheimer, Mayor

ATTEST:

_____
Linda F. Goff, City Clerk