

CITY OF APOPKA

Minutes of the regular City Council meeting held on January 3, 2018, 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 Patrick Brackin
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: - Mayor Kilsheimer introduced Pastor Darrell Morgan of Word of Life Church who gave the invocation.

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 Heath Wood, and from the Apopka Fire Department: Firefighter Earl Hines, and Firefighter John McGuire.

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

AGENDA REVIEW: Glenn Irby, City Administrator, advised there were several changes to the Agenda. The following will be added: Business: 3. Martin Luther King Parade and request for road closure. He reported under Business: Item 2, for the Event Production and Management Services for Special Events at the Apopka Amphitheater, will be pulled at the suggestion of the City Attorney.

City Attorney Brackin said it was his understanding that the Notice of Intent to award went out on Friday and the city policy requires providing 72 hours to give other bidders an opportunity to serve an Intent to Protest. He opined since the 72 hour period has not run, Council should not take action.

City Administrator Irby provided a renumbering of items under Public Hearings/Ordinances/Resolutions and the items will be heard in that order. He advised this is to group the annexation ordinances together. He further reported that Jean Sanchez will be presenting the annexation ordinances.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

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

Employee Recognition:

- ❖ Five Year Service Award – Marcelino Pizarro-Bultron – Recreation/NWRF Grounds. Council joined Mayor Kilsheimer in congratulating Marcelino for his years of service.
- ❖ Five Year Service Award – Michael “Mike” Suver – Public Services/Design Engineering. Council joined Mayor Kilsheimer in congratulating Mike for his years of service.
- ❖ Five Year Service Award – Jarvin Vines – Public Services/Design Engineering. Council joined Mayor Kilsheimer in congratulating Jarvin for his years of service.
- ❖ Five Year Service Award – Constance “Connie” Hoover – Police/Communications. Connie was not present and will be presented her award at another time.
- ❖ Ten Year Service Award – Cynthia “Cindy” Hall – Police/Field Services. Cindy was not present and will be presented her award at another time.
- ❖ Ten Year Service Award – Brian Martin – Fire/EMS. Brian was not present and will be presented his award at another time.
- ❖ Ten Year Service Award – Christopher “Chris” Rumpza – Fire/Suppression. Chris was not present and will be presented his award at another time.
- ❖ Ten Year Service Award – Widfredo “Wil” Rivera Sanchez – Fire/Chief’s Office. Council joined Mayor Kilsheimer in congratulating Will for his years of service.
- ❖ Fifteen Year Service Award – Carl Murray – Public Services/Design Engineering. Council joined Mayor Kilsheimer in congratulating Carl for his years of service.
- ❖ Fifteen Year Service Award – Jorge Garcia – Public Services/Waste Water Maintenance. Council joined Mayor Kilsheimer in congratulating Jorge on his years of service.

Public Comment:

Ray Shackelford said as moving forward in the CRA process, they encourage citizen input from the designated area. He said at a recent City Council meeting it was stated that three letters of apology related to an insensitive workshop for white officers only were to be submitted. He requested a copy of the letters. He inquired where the accountability was for such an insensitive workshop, stating they did not need an internal investigation of this incident by people who supported this incident or their clones. He applauded city staff who were willing to put justice for all above insensitive actions of their boss. He said they would continue to support ways to improve relations between the police and community based on justice for all. He declared the City has an outstanding Police Department and Fire Department and generally an outstanding staff. He said insensitive actions cannot be allowed to hang over city staff that puts effort in working for the people of Apopka.

Rod Love said he would echo some of the items Dr. Shackelford mentioned. He stated in trying to get an update as to the letter of apology they were told about previously, he received a great deal of input from individuals who participated on the task force community meetings that took place. He said one of the issues the task force focused on was the issue of community and law enforcement relationship as it relates to the report that came out by the State Training and Standards Commission regarding mistrust between law enforcement and minority communities. He said one reason this anonymous letter continues to be discussed is because they are in support of law enforcement. He stated someone in law enforcement stepped forward that was not comfortable with what was said. He said he wanted to hear Council’s input regarding this matter. He said they have talked about the CRA regular scheduled meetings and have not heard any feedback, as well as citizen input.

In response to Commissioner Dean asking for input regarding the anonymous letter, Mr. Irby advised that Human Resources is investigating the matter and once the investigation is complete, it will become public.

Commissioner Dean inquired if there were no minorities included in the training.

Chief McKinley advised that was not accurate, stating 23% of the people in attendance were minority. He advised there was no selection of who attended. Attendance was mandatory unless an employee had a pre-approved leave.

CONSENT (Action Item)

1. Authorize a Traffic Enforcement Agreement with the Emerson Park HOA, Inc.
2. Approval and funding to replace the engine in the Public Services Plant Maintenance Division crane truck.
3. Approval to purchase new heavy equipment for the Public Services Streets Division.

Discussion was held regarding Item 3.

Jay Davoll, Public Services Director, said two pieces of the equipment were in the budget and this is being funded by the Streets Fund.

In response to Commissioner Bankson inquiring about funds being transferred, Ms. Barclay advised the funds being used for the Street Funds are special revenue funds and must be used for that purpose.

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

BUSINESS

1. Approval to replace the roof at Fire Station #4.

Mr. Davoll said the roof was put on in 1998 and then later was sprayed with foam. He advised over the years the foam has become severely delaminated, trapping water between the foam and metal roof, causing corrosion and roof leaks. The request is to replace with a 30-year water tight standing seam metal roof, new insulation, gutters and downspouts.

In response to Commissioner Bankson inquiring if there was a warranty with the roof or applied foam, City Attorney Brackin advised there could possibly be a claim if it can be determined the roof or foam failed due to a manufacturer or labor defect. Nevertheless, if litigation is required, it would add additional costs. He advised mitigating the damages by replacing the roof now is what they should do, and how to proceed legally would not affect the other.

MOTION by Commissioner Dean, and seconded by Commissioner Becker, to approve the replacement of the roof at Fire Station #4 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Award a contract to Get-Off-the-Bus, LLC, for RFP #2018-01.
This item was withdrawn from the agenda.
3. Approve Road Closures for the Martin Luther King Parade.

Mariah McCullough, Recreation Director, requested approval of road closures for the Martin Luther King Parade on Monday, January 15, 2018, from 2:00 p.m. to 4:00 p.m.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to approve road closures for the Martin Luther King Parade. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

- 1. Ordinance No. 2621 – First Reading – Annexation – Project: VBRO Enterprises, Inc. - Location: 41 E Lester Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2621

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 VBRO ENTERPRISES, INC. LOCATED AT 41 EAST LESTER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Jean Sanchez, Planner, said this parcel was 0.84 plus or minus acres, located on Lester Road west of Rock Springs Road and stated it meets State Statute requirements for annexation. She reviewed the location on the map stating assignment of City future land use and zoning designation will occur at a later date through action by City Council. DRC recommends approval.

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. 2621 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.

- 2. Ordinance No. 2622 – First Reading – Annexation – Project: Roseville Farms, LLC Location: Northeast corner of West Ponkan Road and Ponkan Pines Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2622

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 ROSEVILLE FARMS, LLC. LOCATED AT WEST PONKAN ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Ms. Sanchez provided a brief lead-in reviewing the location of this property on a map and stated it meets State Statute requirements for annexation. She advised that DRC recommends approval.

Mayor Kilsheimer opened the meeting to a public hearing.

Jim Riffle said he spoke with staff for a few moments regarding this parcel and stated it looks like a shop-n-go to him. He said this was in a very dangerous curve and people have perished in that curve over the years. He stated this was adjacent to two schools and it was in a residential area.

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

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve Ordinance No. 2622 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. 2627 - First Reading - Annexation - Project: Kenney Harry Charles McAllister – Location: 3591 West Orange Blossom Trail.** The City Clerk read the title as follows:

ORDINANCE NO. 2627

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 KENNEY HARRY CHARLES MCALLISTER TR. LOCATED AT 3591 WEST ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Ms. Sanchez provided a brief lead-in reviewing the location of this property and advised it meets State Statute requirements for annexation. DRC 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 Dean, to approve Ordinance No. 2627 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. 2618 – First Reading – Comprehensive Plan Amendment – Large Scale Project: Orlando Beltway Associates – West & East of S.R. 429, north of Kelly Park Road.** The City Clerk read the title as follows:

ORDINANCE NO. 2618

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” RURAL RESIDENTIAL DISTRICT TO “CITY” MIXED USE- INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PLYMOUTH SORRENTO ROAD AND EAST OF EFFIE DRIVE, OWNED BY ORLANDO BELTWAY ASSOCIATES; COMPRISING 07.5 ACRES MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner, provided a lead-in for this property stating the applicant was proposing a large scale future land use amendment from “County” rural to “City” mixed-use interchange. He said the two subject parcels are within the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road and are required to adhere to the Kelly Park Crossing Form Based Code. He reviewed the location on a map, pointing out that S.R. 429 runs between the two subject parcels. He advised the proposed use of the property is compatible with the character of the surrounding areas and is consistent with the Mixed Use Interchange Land Use designation. The current uses for the subject parcels are equestrian oriented on the eastern parcel and vacant grasslands on the western parcel. At the December 12, 2017 Planning Commission meeting they found the future land use designation consistent with the comprehensive plan and recommended approval. Staff recommends approval of the First Reading and authorize transmittal to the State of Florida Department of Economic Opportunity.

Commissioner Becker inquired if the intention of this property was to do all single family residences.

Mr. Martinez advised they have a concept plan for the eastern parcel and the transition overlay that shows detached single family houses. At this time there is no concept plan for the west side.

Mr. Moon advised this property is not located within the Kelly Park Crossing Development of Regional Impact. It is stand alone, within a one mile radius of the Form Based Code area. He stated the intent was to develop the north side as single family homes and the south side could come in as single family homes or townhomes.

Mayor Kilsheimer said to the point Commissioner Becker is trying to get at is that we need to make sure we are bringing in the types of employment centers that are going to support the single family homes in the area, rather than having an influx of residential. He stated both the Kelly Park Crossings DRI and the applicant in this project are planning these types of commercial employment opportunities. As Mr. Moon pointed out, the western parcel is in the industrial/commercial zone. He stated the Kelly Park Crossings DRI people are working on creating the type of employment center that you see on the map south of Kelly Park Road along

the Wekiva Parkway.

Commissioner Bankson spoke of the impact on the infrastructure with the increase in residential and inquired if this would affect any other planning.

Mr. Moon said there would be a tremendous amount of infrastructure improvements that will have to occur in the area over time to accommodate development. He stated that will be in the planning process and development applications will have to address this as part of their proposals. He said impact fees will cover developers' proportionate share of the cost to expand capacities for the area.

Mayor Kilsheimer opened the meeting to a public hearing.

Harvey Godwin said he has the parcel of land that is adjacent to the 107 acres and asked if it was possible to have the parcel of land on the south side to have a fence or wall to separate the properties.

Mayor Kilsheimer advised this would be addressed during the preliminary and final development plans.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to approve Ordinance No. 2618 at First Reading and authorize transmittal to the State of Florida Department of Economic Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. **Ordinance No. 2623 – First Reading – Vacating a Utility Easement. Project: Belvedere Estates Inc. – Location: 1586 Golfside Village Boulevard.** The City Clerk read the title as follows:

ORDINANCE NO. 2623

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 1586 GOLFSIDE VILLAGE BOULEVARD; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

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

David Moon, Planning Manager, said the property owner has requested a vacate of the rear utility easement along the back property line. The intent is to possibly accommodate a future small deck on the back of the house. The owner has obtained letters from all utilities stating there was no need for the easement. DRC recommends approval.

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. 2623 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.

CITY COUNCIL REPORTS – No reports.

MAYOR'S REPORT – No report.

ADJOURNMENT – There being no further business the meeting adjourned at 2:34 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk