

CITY OF APOPKA

Minutes of the City Council regular meeting held on November 15, 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 Patrick Brackins
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief
Reggie Connell, The Apopka Voice
Steve Hudak, Orlando Sentinel

INVOCATION – Mayor Kilsheimer introduced Pastor James Hicks from Center of Faith Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said in the Fall of 1620, more than 100 pilgrims set sail from England aboard the Mayflower and two months later made landfall in Plymouth, Massachusetts. Half of the pilgrims perished during the first winter. In the spring, two members of local Native American tribes helped the settlers learn how to successfully farm the land, and by the following autumn they reaped a bountiful crop. To celebrate the harvest and to give thanks, Governor William Bradford called for a feast and invited the local Native American tribes who worked alongside the pilgrims to sustain their colony. The tribes and the pilgrims hunted together and feasted for three days. It became a yearly tradition for the colonists to celebrate their harvest with a feast of Thanksgiving. In 1863, President Abraham Lincoln proclaimed the final Thursday in November to be a national holiday. Later, Franklin D. Roosevelt signed a joint resolution of congress in 1941, which established the fourth Thursday of November as a national holiday, the day we currently celebrate as Thanksgiving. He asked everyone to reflect upon the spirit of collaboration between the pilgrims and Native American tribes that made it possible for Plymouth to flourish and for our Nation to give thanks as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council regular meeting October 18, 2017.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve the minutes of October 18, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: There were no changes.

Proclamations:

1. Mayor Kilsheimer read a proclamation recognizing the Apopka High School Bowling Team for winning the 2017 Florida High School Athletic Association State Championship games on November 2, 2017, as the defending 2013, 2014, 2015, and 2016 Champions, becoming

five-time consecutive State Champions. Mayor Kilsheimer proclaimed November 15, 2017, to be Apopka High School Bowling Team Day in the City of Apopka. He presented each member and coach with a proclamation.

Presentations:

1. Mayor Kilsheimer said Tony Foster, an Apopka resident, is accompanied tonight by a youth group of Kappa Leaguers, who are associated with the Kappa Alpha Psi Fraternity. Mr. Foster said the Kappa Leaguers are a group who are directed by Kappa Alpha Psi and 90% of the seniors go on to college. Part of the process is for them to learn the government process which is why they are here today. In the future they will be traveling to Tallahassee, and in the summer Washington D.C. He said the group starts with middle school through college and following college a number of the members become mentors.

Mayor Kilsheimer also recognized a group of Girl Scouts in attendance from Troops 1014 and 4633.

2. Mayor Kilsheimer said October was Breast Cancer awareness month and the City of Apopka employees contributed every week for a series of casual dress days. A donation in the amount of \$1,100 was presented to the Gina McReynolds Foundation.

Will McReynolds said Gina was his late wife who passed away from breast cancer five years ago. He thanked the City for this fundraiser and allowing them to hold the 5K at the Northwest Recreation complex stating they raised over \$12,000 at that event. He said the Gina McReynolds Foundation supports women who are going through breast cancer that have children still in the household. He said they will be delivering a check to a local family on Saturday. The checks going to families average \$5,000 and helps to pay out of pocket insurance deductibles.

PUBLIC COMMENT

Madeline Spencer said she was here to remind the role of government is to protect the people. Residents of Emerson Park feel like their government has failed them as they did not protect them from Centex when they built their subdivision. She expressed concerns regarding the private roads. She said she knows the agreement was not made by the sitting Council, but it was made and when they take over the role, they take over the problems too. She stated they met with Mr. Hitt and tried to look at the plans and everything that has happened, but they never saw a contract between the City of Apopka and Centex. She said the shortest distance between Ocoee Apopka Road and Marden Road is through their subdivision and their roads are in bad shape due to trucks using this route. She declared they needed the City to work with them to resolve this issue. She stated their egress still has no sod on it. She asked for help from the City stating they either needed gates or for the City to take back the three main roads. She had a book that she stated were legal documents from the City of Apopka given to the lawyer of Emerson Park and it repeatedly states that Centex will not use the name of Emerson Park in the name of their new townhouses and they are now called the Crossing at Emerson Park. She declared this was another matter the City needs to help them resolve.

Mr. Irby advised staff was looking into the matter of gates, as well as the use of Emerson Park in the name of the townhomes.

Leroy Bell thanked Commissioner Dean for his service and he thanked Commissioners Becker and Bankson for their willingness to work with them on this issue. He said he was back before the Commission as they do not have any answers from the last meeting. He stated they were asking City Council to look into the Museum and the finances. He stated what set the publisher off was that they were using funds that she didn't want them to use. He spoke of money raised for the Museum and said he believed funds were used to send the Fire Department to New York. He said the Museum has not been open since last week. He requested to be put on the agenda regarding this matter.

Joseph A. Washington, Jr. said he sent out a series of letters to the President of the Museum and if she had responded they would not be standing here today. He stated they did not want to drag this out and said it was about serving the community of Apopka. He also would like to know why the Museum was closed.

Carlette Bell said she was the wife of Leroy Bell and she backs the AACCC and requests that they be placed on the agenda for the matter regarding the Museum. She stated Mayor Kilsheimer has been to her home, knows her, and should know that she does not talk in the way she was accused. She said Commissioner Velazquez knows her as well. She stated it hurt her to the core to read that, as well as hear it from others. She said she would appreciate it if Mayor Kilsheimer's wife would retract her statement.

David Rucker said he was a board member of the AACCC and said he supports them with what they are trying to do with the Museum. He stated there was a question about after being here the last meeting regarding the Museum being closed. He asked that this be addressed. He said they need to be on the agenda so that they can ask Council to vote on what they need to make happen. He said this was very important to them and should be important to the Council also. He said they need to look at how they are being treated. He stated they did send a registered letter to request to be on the agenda this meeting and did not know why they were not on the agenda. He reiterated they would also like to know about the funds and why the Museum was closed. He again requested to be placed on the agenda so this matter can be discussed.

Pastor Hezekiah Bradford said his reason for being here tonight was because he had an opportunity following the last meeting to talk with Mr. Irby to ask for money to be given toward the MLK Parade. Mr. Irby advised him there were no funds available and he would look to see if there was any funding that could be found. He stated he had an opportunity to speak with the Commissioners, except for Commissioner Dean, to see if there was a possibility the Commissioners would be willing to donate some of their discretionary funds to the South Apopka Ministerial Alliance in lieu of the MLK Parade. He said one of the greatest movements that ever happened in America was a movement that was pushed through the Civil Rights Movement with Dr. Martin Luther King. He said this was a just cause for the donation of money. He would like for the City to find a way to fund this event.

Rod Love said according to the City's website the Community Redevelopment Agency meets as needed. He stated one of the items he would like to request was that there be a regular

scheduled meeting to allow the community the opportunity to come and speak regarding limited resources for the CRA. He said he appreciated the Commissioners speaking about having an advisory group so that the community can give input on how the taxpayer dollars would be utilized. He stated it would be great if the City got involved in items they were not running, such as the MLK Parade. He said the Gospel Fest dollars were not used and asked if a budget amendment could be made so the Commissioners do not have to draw from their discretionary accounts. He said the Commissioners were individually elected and suggested they speak up for those who voted for them.

Ray Shackelford echoed concerns stated about the MLK Parade, the CRA funds, and the statement Mr. Love just made regarding the Council was voted for by all of the people of Apopka and represent all of the people. He said Commissioner Dean should not be singled out as representing only Black people. He stated one aspect of good government was the willingness to respect the First Amendment Rights of people. He said they do not always have to agree, but can reach a consensus without giving up principles. He stated even though Council performs an outstanding service, to please remember and try to put themselves in other people's place, stating at the end of the day we all belong to the City of Apopka. He said good government brings people together.

Russell Drake said he was from Orlando, Florida and is representing of the Democratic Black Caucus of Florida, currently serving as the State First Vice President. He stated he was in support of the Apopka Area Concerned Citizens Council. He said they asked for transparency and he feels they value the work the Council does, but they would like to be a part of the work. He stated they know the Council is elected officials, and it seems they have good relationships with them, and they come here hoping for unity and transparency. He spoke in objection of the closing of the Museum. He would hope the artifacts removed from there will be brought back and clarity of where these artifacts have gone. He said he did not think it was in contention, but all in respect. He reiterated the Black Caucus of Florida supports the AACCC.

Wanda Beckwith said she also was a member of AACCC, legal counsel, as well as media relations. She stated it was very disheartening for her to come here again and address the Council. She said she grew up in a time when her parents were very active in the African-American communities and educated them on Martin Luther King, the Civil Rights Movement, and all of the struggles embarked upon in order to become equal. She said it seems as though the African-American community was being marginalized and not being represented between the Museum where they have written several letters with no response, and now to hear the MLK Parade was not being funded adequately. She said these were problems that needed to be addressed by the entire Council. She stated there was a lot of concern in the community for all people to be represented.

Commissioner Velazquez said it was brought up at the last meeting that her husband is part of the Museum. She stated she is not a part of the Museum and explained that her husband is actually a part of the membership and this is the limitation she has with the Museum. She said there was a statement that he turned someone away from the Museum, and he has never done that and always treated everyone with respect. She declared that she finds when people come to the podium to speak, she gets singled out a lot and wonders why. One person made mention of Martin Luther King, Jr and the Civil Rights, and she said that absolutely he made a lot of

opportunities for all, for women, Hispanics, and Blacks. She also wants to be respected when she is sitting on the dais and said she finds there is a passive aggressive attitude toward her. She stated she gives everyone the respect of listening and is not argumentative, stating she has been very involved with the south side of Apopka. She spoke of her involvement with the farm workers and said she would like to see their history brought into the Museum. She asked that each person, when they come to the podium, that they show her respect, stating she is Commissioner Diane Velazquez, and she often gets referred to as “she”, “her”, “his girl”, and declared she is no one’s girl, she is a Commissioner for the City of Apopka and asked that she receive the same respect she gives.

Commissioner Dean said he did not understand the nomenclature of this community. He said because he is African-American, most of the people think that he represents the south side of Apopka. He affirmed he represents all of the people in Apopka and regardless of color, creed, or origin, all need to work together. He declared this City was fast becoming a divided City for no reason at all. He said he did not know anything about the Museum, but he would like whatever is going on to get straightened out immediately because we do not have that type of rhetoric in this City.

Mayor Kilsheimer said he was not aware the Museum has been closed. He stated the Museum of the Apopkans is a building that was built by the City of Apopka some time ago and it has always been operated by the Apopka Historical Society by volunteers. He said there is, to his knowledge, no contractual relationship between the City of Apopka and the Apopka Historical Society. This was always an arrangement of the volunteers operating the Museum in a building provided by the City. He stated it is his understanding that while the building is owned by the City and the City provides basic maintenance, and pays utilities, all of the contents of the Museum are owned by the Historical Society. He affirmed all of the decisions regarding what is displayed or not displayed are made by the Historical Society, and he reiterated these are all volunteers. He said approximately three years ago the City placed a part-time staff person at the Museum four hours a day, four days a week. He stated this falls under the Recreation Department and tomorrow they will find out if the Museum was closed and why. He reiterated the City of Apopka has no control on what is displayed or how it is displayed. He said with regards to his wife, she was invited to join the Museum Board this past January and when she came to the Museum, she, and other Board members decided they would try to refresh the Museum and bring new displays. He affirmed some photos were taken down so that walls could be painted and nothing has been removed from the Museum. He restated the Museum is run by volunteers and these volunteers have no motive and it is unbelievable they have been called out for removing items. At this point he asked that there be no further outbursts during the meeting.

Commissioner Becker inquired if the Council was provided a copy of the letter that was sent and asked a copy be provided to them. He inquired what was being requested to be presented on the agenda and said if it was action at the Museum, there needs to be representation by the Historical Society who runs the Museum. He said the City provides the facility and the upkeep of the facility, so he feels there is some control at the City Council level. He said clearly there is a divide in terms of what both sides feel where we need to be, and knowing one side is not going to get all of what they want. He declared there needs to be back and forth, some give and take, but he did not feel the public meeting was the right forum for it. He said they have the right to have public comment, but there is an opportunity for the two sides to get together and

have some better, meaningful conversations.

In response to Commissioner Bankson inquiring who they should contact with regards to start the process of resolving this matter, Mayor Kilsheimer suggested he work through Mr. Irby.

CONSENT (Action Item)

1. Award a consulting services contract for professional engineering services to Wright Pierce, Tetrattech, and Reiss Engineering.

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

BUSINESS (Action Item)

1. Authorize a development agreement with the Center of Faith Church in order to construct a traffic signal.

Jay Davoll, Public Services Director, said this item is a Developers Agreement that he and the Center of Faith Church have worked out over a period of time. He stated a Traffic Signal Warrant Analysis was done to find a traffic signal would be the best way to handle the intersection at Vick Road and Martin Street. He said the configuration of the intersection was looked at and it was determined a section of the Center of Faith Church property would be required to allow the installation of the traffic signal. He stated they held several meetings with the Church and said Pastor Hicks and the Elders of the Church have worked with the City regarding this matter and an agreement has been worked out.

In response to Commissioner Becker inquiring what the underlying justification was for having the signal, Mr. Davoll advised it was volumes and crashes. Commissioner Becker expressed concerns regarding the fence blocking the line of sight for turns from Martin Street. Mr. Davoll said this will be under the traffic signal control. He further stated when the Church comes back in with a development plan, the City can address the issue of the fence.

Commissioner Becker said he felt the traffic signal was being installed for an issue that happens two hours of the day and he did not feel it was needed.

Mayor Kilsheimer said there were a number of events held at the high school, as well as church being held on Sundays that resulted in high traffic and a traffic light will solve all of those issues.

Commissioner Bankson asked if the road was widened with the left turn lane and the fence was removed, would there still be a need for the light. He suggested talking with the Church to see if they would be willing to remove the fence.

Mr. Davoll said the road widening can cause more issues at a stop control situation as there are more conflict points and it was not an ideal situation to add lanes without adding control.

Commissioner Velazquez spoke of a pole in the area that creates a blind spot and said the

mast arm may also create a blind spot. She said this was at the beginning stages and this was for the agreement to be able to move forward and design was subject to change.

Mr. Davoll explained this agreement provides moving forward with obtain the property from the Church on the southeast corner. He said this will allow them to finish the design of this intersection. He explained the intersection of the road will be shifting slightly to the south to better align. The final design will be presented to Council.

Commissioner Becker said that even though the analysis warrants the traffic light, he does not feel it is going to solve the problem for that particular area.

Mayor Kilsheimer spoke of students who walk to school and how unsafe crossing the road is for them. Commissioner Velazquez agreed and said a traffic signal will create a safe cross walk for students.

Pastor James Hicks, Center of Faith Church, said Mr. Davoll has explained this well, stating one of the misconceptions was that the road was going to still have the curve at the end. He stated by the Church giving up the corner, this will straighten out the road more than it is. He said he appreciated the City Council working with them to get this done. He stated the traffic light was a win-win situation for all.

Commissioner Becker said he agreed that re-engineering of the intersection was critical to a more safe intersection. He stated the idea that the traffic light will make it safe, he didn't know. He said he is very keen to the safety of school children, but there were other safety items that could be used such as flashing pedestrian lights.

MOTION by Commissioner Velazquez, and seconded by Commissioner Dean, to approve a development agreement with the Center of Faith Church in order to construct a traffic signal at Martin Street and Vick Road. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye, and Commissioner Becker voting nay.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2608 – Second Reading – PUD Master Plan Amendment – Project: Avian Pointe – East of S.R. 429, south of Peterson Road, north of Lust Road. The City Clerk read the title as follows:

ORDINANCE NO. 2608

AN ORDINANCE AMENDING ORDINANCE NO. 2433; AMENDING THE MAXIMUM BUILDING HEIGHT AND MAXIMUM NUMBER OF STORIES FOR MULTI-FAMILY DWELLING UNITS WITHIN PARCEL B-2; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City Attorney Brackins.

Mr. Moon advised there have been no changes since the last meeting.

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 Bankson to adopt Ordinance No. 2608. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS – No reports.

MAYOR'S REPORT

Mayor Kilsheimer reported the City has been pursuing discussion with SJRWMD for some time regarding the Hickerson parcel. The SJRWMD has been asked to declare the Hickerson parcel as surplus and transfer title to the City. He said he was pleased to report that at the SJRWMD Board meeting in Palatka on Tuesday, they voted to declare this parcel as surplus and begin the process of transferring the parcel to the City of Apopka. He said the idea of establishing a passive gateway birding park at the entrance of the Wildlife Drive and partnership with the Audubon Society has been very attractive for some time and the City will proceed with this.

Mayor Kilsheimer further reported the SJRWMD has approached the City with regards to using the City's reclaimed water facilities for the purpose of recharging the aquifer. He stated there are periods where we have high water and when we get to a point where there is plenty of water, there is an opportunity to change the level of our reclaimed storage ponds and elevate the level over the level of the liners. At that point, the water that seeps into the ground becomes aquifer recharge. He stated there is a Basin Management Action Plan for the Wekiva River that will change the consumptive use permit for all jurisdictions in this vicinity. He said our ability to use our reclaimed water facilities for aquifer recharge is going to be major for the City of Apopka with regards to maintaining our consumptive use permit.

Commissioner Bankson said he has discussed getting involvement for the CRA and a group to look at needs. He asked if that can be addressed here, or did we need to have a CRA meeting and address this there.

Mr. Irby said that needs to be handled by the CRA. The Council cannot convene as a CRA Board this meeting as it was not advertised for tonight.

Commissioner Bankson inquired if there was funding that could be dedicated to the MLK Parade. He also asked if the City funded the other parade.

Mayor Kilsheimer advised the City did not fund the Christmas Parade. He said if the City formally funded one parade, then why they would not fund the other parade. He suggested the discretionary accounts would be the best source. He declared he would contribute \$500 of his discretionary funds.

ADJOURNMENT: There being no further business, the meeting adjourned at 9:00 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST;

Linda F. Goff, City Clerk