

CITY OF APOPKA

Minutes of the City Council regular meeting held on November 1, 2017, 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 Brackins
City Administrator Glenn Irby

PRESS PRESENT: Teresa Sergeant - 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 on the 11th hour of the 11th day of the 11th month in 1918, fighting ceased between Germany and the Allied nations when an armistice went into effect. This armistice heralded the end of World War I. In the years following, November 11th was commemorated as Armistice Day, a day *“filled with solemn pride in the heroism of those who died in our country’s service during World War I.”* The day was to be dedicated to the cause of World Peace. In 1954, Congress changed the name of the holiday to Veteran’s Day to honor American veterans of all wars. He asked everyone to remember our veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good as he led in the Pledge of Allegiance.

AGENDA REVIEW: Glenn Irby, City Administrator advised there were no changes.

Employee Recognition:

- ❖ Five Year Service Award – Jon McGuire II – Fire/Suppression. The Commissioners joined Mayor Kilsheimer in congratulating Jon on his years of service.
- ❖ Ten Year Service Award – Robert Campbell – Police/Support Services. Robert was not present and his award will be presented at another time.
- ❖ Ten Year Service Award – Harold Cummings – Police/Field Services. The Commissioners joined Mayor Kilsheimer in congratulating Harold on his years of service.
- ❖ Ten Year Service Award – Robert “Bob” Shelton – Information Technology. The Commissioners joined Mayor Kilsheimer in congratulating Bob on his years of service.
- ❖ Ten Year Service Award – Michael “Mike” Reagor – Police/Support Services. Mike was not present and will be presented his award at another time.
- ❖ Fifteen Year Service Award – John Drechsel – Fire/EMS – The Commissioners joined Mayor Kilsheimer in congratulating John for his years of service.
- ❖ Fifteen Year Service Award – Christopher “Chris” Cowley – Fire/EMS – Chris was not present and will be presented his award at another time.

- ❖ Fifteen Year Service Award – Matthew “Matt” Gurgone – Fire/EMS – The Commissioners joined Mayor Kilsheimer in congratulating Matt for his years of service.
- ❖ Fifteen Year Service Award – Daniel “Dan” McGatlin – Fire/Suppression - The Commissioners joined Mayor Kilsheimer in congratulating Dan for his years of service.
- ❖ Twenty Year Service Award – RL Colina – Fire/EMS – The Commissioners joined Mayor Kilsheimer in congratulating RL for his years of service.

PUBLIC COMMENT

Pastor Hezekiah Bradford said he has not had the opportunity to speak with Mr. Irby, but last year Reverend Alexander Smith submitted a request for some funds for the Martin Luther King Parade. He stated this was not budgeted in 2017, but it was said it would become a budgeted item for 2018 and they have not heard back from the City and inquired where they were with this matter.

Mayor Kilsheimer said he would have Mr. Irby get with him on this to see what could be done.

Leroy Bell thanked Commissioner Dean for his service and leadership in the community. He said the South Apopka Ministerial Alliance has been coming to the Mayor for some time now about diversity in the City. He expressed concerns regarding a lot of the black history being taken down at the Historical Museum due to remodeling and said the book by Perrine Slim was banned from being sold in the Museum. He spoke of Ms. Gilliam having served the City and Museum for 47 years and how she brought people together. He encouraged the Mayor and Council to do something to preserve the history of the people of South Apopka.

Belle Gilliam said she has lived in Apopka since 1933 and she has volunteered at the Museum since 1970 enjoying every bit of it until recently. She said it hurts her to go due to a feud regarding Mr. Gladden’s book and if this book cannot be in the Museum she said she did not want any more association with the Museum. She said Mr. Gladden was respected by all and served his country. She stated we owed Mr. Gladden’s writing to Mildred Board who preceded him by writing for The Apopka Chief. Ms. Board was a teacher and member of the Apopka Historical Society.

Beverly Gilliam Byrd said she was born and raised in Apopka and was here today to speak on behalf of William Gladden’s book. She stated this book was filled with knowledge and history of Apopka and deserves to be in the Museum. She said her mother was 96 years old and has given her heart and soul to this town and deserves more respect than she has been given. She stated she wanted Mr. Gladden’s book back in the Museum for her mother’s sake and for the heritage.

Joseph A. Washington, Jr. said he was President of AACCC (Apopka Area Concerned Citizens Council) and said too often people come to South Apopka wanting their help and vote, only to be forgotten. He stated he sent a letter to the President and Vice President of the Museum and received no response, then he resent it certified mail. He explained he wanted Mr. Gladden’s book back in the Museum and it was explained by the President she was trying to redo a timeline. He suggested a plaque be put up to explain they are doing a timeline and within a

certain time period they will reinstate all black history articles, and other items. He stated if a taxpayer/citizen walks into the Museum and does not like what is there, it should be addressed and not made a political issue. He said they would like what was removed from the Museum returned. He expressed a desire to volunteer and said he would be volunteering at the Festival of Trees.

David Rucker said he was a member of the AACCC and he was not a resident of Apopka, but it always concerns him when there is talk about the community. He stated he was a community activist and he is retired from the Orange County School Board. He said he was in full support of the AACCC organization and they are looking at a lot of different things that should change, stating it was all about diversity and not racism. He stated they need to make this a good community and work with South Apopka.

Wanda Beckwith said she also was a member of AACCC. She stated she was here in the capacity of legal counsel as well as media relations and she concurred with what was said by the prior members. She said this clearly was an emotional matter and it definitely needs to be addressed. She advised that she wrote the letters that were sent to the Museum so they could have a response and diplomatic relationship with the Museum Board to resolve these issues. She stated it disheartens her that there was no response given, rather it be by phone call, email, or a letter. She said they are asking to be even par with the community, stating there are several people who are represented here whether they be African American, White, Latino, or Indian. She stated a lot of people have contributed to Apopka and it should be reflected in the Museum. She said if there was a reason for items to have been taken down, it should be expressed. She asked this matter be resolved in a diplomatic way and move forward in a more peaceful manner asking for an opportunity to speak with the board members of the Museum and she would like to volunteer as well.

Ray Shackelford said for a point of clarification he would like to know and see where in written policy it states a citizen cannot yield their time to another citizen. He applauded AACCC and South Ministerial Alliance for their leadership in addressing justice, racism, fairness, and history. He said government embraces diversity, economic fairness, equality, ethics, fiscal integrity, justice for all people and communities, and transparency. He said the most dangerous person in government is a person who does not respect the people and their tax money. He stated the City of Apopka belongs to all communities and people. He said they need to come together as a City and move forward as a City.

Roscoe Griffin said this matter was brought to his attention by Leroy Bell and he has not been to the Museum. He stated he had a softball team approximately 43 years ago and he submitted some photographs to the Museum. They played in the City of Apopka recreation league for ten years, winning eight city league championships, and went to three national tournaments representing Apopka. He said he would hate to see their pictures taken out of the Museum where they represented the City of Apopka.

Rod Love said he wanted to recognize the AACCC today stating you can witness what community people can do when they set their mind to it. He also recognized the South Apopka Ministerial Alliance who continues to be advocates for what is right. He recognized Ms. Belle

Gilliam, stating this was not a black issue, but it was a community matter. He spoke of matters the public has talked about before the Council, such as economic development, and Community Redevelopment money. He spoke of connectivity taking place by AACCC and South Apopka Ministerial Alliance to all people stating they are American strong. He said he appreciated the engagement they receive from members of Council. He stated they will continue to come forward and have conversations.

Mayor Kilsheimer personally apologized to Ms. Belle Gilliam for anything his family or he has done to offend her. He stated he holds Ms. Belle in extremely high regard and appreciates everything she has done for our community and to put the Museum in the position that it is in. He stated to provide some background with regard to what has happened at the Museum, this past January, after the death of the previous President of the Apopka Museum, his wife received a phone call and was asked to volunteer as the President. He affirmed he had been the President of the Museum once before and he and his wife think the Museum is a treasure and holds world class artifacts. He stated over the last four years, his wife has raised close to \$40,000 for the Museum with the Festival of Trees. He said when Ms. Kilsheimer agreed to serve as President she brought in a new Board of volunteers, stating while the City of Apopka owns the building, the organization and the activities of the Museum are done strictly by volunteers with the exception of one part-time city staff person. These volunteers devote their time and energy to the Museum because of their love of the community. He stated this issue regarding Perrine Slim's book is not about Mr. Gladden's book, but rather a personality dispute between the publisher of the book and the Board of the Museum. He explained a box of books showed up at the Museum with a demand made for payment. He advised the Board had not authorized this order of books, yet the demand was made and the books were returned. He reiterated it is not about Mr. Gladden's book and it was, until this point, a private personality dispute. He said this is not the way to get a group of people to come and volunteer at our Museum, and stated we may have a hard time keeping our volunteers after this display. He again apologized to Ms. Belle and said with regards to the display, he was not sure what pictures have come down or which ones have been put up, but he does know there is a committee of volunteers that are trying to redo the displays at the Museum with the idea of updating it. He stated Ms. Kilsheimer has been organizing events to bring people to the Museum. He said he regrets the good intentions of his wife and the volunteers at the Museum have been held out here for public criticism.

In response to Commissioner Becker's inquiring about the book, Mayor Kilsheimer said the Museum sold the book and ran out. The Board had not approved the order that arrived C.O.D. He affirmed the books are for resale.

CONSENT (Action Item)

1. Approve the issuance of blanket purchase orders for the Sanitation and Streets Divisions.
2. Authorize the City to amend and extend of Inmate Contract W1085 with the Department of Corrections.
3. Approve Unifirst Corporation to provide uniform apparel services to the Public Services Department for FY 2018.
4. Approve the rebuild of computer software inspection equipment on the wastewater maintenance service van.
5. Approve the Holly Estates agreement for oversizing the potable water and sewer force main

pipe sizes.

6. Award a contract to Dell Financial Services for the lease of Police and Fire Department Laptops.

Discussion was held regarding Item 3.

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

BUSINESS (Action Item)

1. Approve an MOU in order to join a coalition for an EPA Brownsfield Grant Application.

Dr. Shekenya Jackson explained the City was approached to pursue an EPA grant with the East Central Florida Regional Planning Council (ECFRPC). This is an opportunity to join a coalition with Eustis, Kissimmee, and Longwood in an effort to apply for an EPA Brownfields Assessment Coalition grant worth \$600,000. City staff will work with the ECFRPC to identify priority sites in the Apopka downtown area. Staff recommends approval.

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to approve an MOU in order to join a coalition for an EPA Brownsfield Grant Application. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Approve the purchase of two (2) sets of high density polyethylene pipe (HDPE) crimping tools.

Jay Davoll, Public Services Director, said the City's potable water distribution system has an extensive amount of HDPE pipe installed. The crimping tools are required to provide staff the ability to expedite repairs to breaks in HDPA water mains with minimal disruption of service to the residents in these areas.

MOTION by Commissioner Velazquez, and seconded by Commissioner Dean to approve the purchase of two sets of high density polyethylene pipe (HDPE) crimping tools. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Further evaluation of a Splash Pad RFP submittal.

Glenn Irby, City Administrator, said the City recently had an RFP out for the third time for a Splash Pad and we received three submittals. A review committee reviewed and ranked the submissions. One of the companies far exceeded the budgeted amount, leaving two companies. One is Freeport Fountains and they submitted two designs, both below budget. Aquamarine Swimming Pool Company was the second company who also submitted two designs both below budget. He advised that following ranking by the evaluation committee, they decided to have both companies come in and make a presentation. Following the

presentations the evaluation committee re-evaluated Freeport Fountains and Aquamarine Swimming Pool Company. He advised Freeport Fountains came in higher. At this time staff is requesting to continue evaluation of Freeport Fountains to come in with a design and this will be presented to Council through a workshop.

Commissioner Becker said by Council taking the approach to evaluate further with Freeport Fountains proposal, it is not to say we are awarding the contract by approving this motion today, but merely stating you are continuing conversations and the design will come back to Council prior to any award.

Mr. Irby responded in the affirmative.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve staff to further evaluate the Splash Pad RFP submittal by Freeport Fountains. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. Approve Amendment No. 2 of the Wastewater Plant Expansion Design Engineering Contract for a new workshop/work space area for the Plant Maintenance Division.

Mr. Davoll said this past budget the creation of division 3191 was approved for the Plant Maintenance Division. This moved all of the maintenance part of the new plant under its own division and the hiring of five new employees was also approved. At the time of the original design, this division was unknown. He explained they now need a place for this maintenance division to work. He said they have a location on site, but they need to design a building. TetraTech is the current engineer of record for this. He pointed out a scrivener's error in the staff report, stating that Task 4 should be listed at a cost of \$65,127.87 and the total for all four tasks is \$180,214. Staff requests approval for TetraTech to do this design and they will be coming back for approval of the building. He advised all of this is falling within the contingency for the project and with this and the proposed cost of the building they will be around 60% of the contingency funding.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve Amendment 2 of the Wastewater Plant Expansion Design and Construction Contract with TetraTech in the amount of \$180,214. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. Final Development Plan – John's Corner Grocery Store – Project: 41 E. Michael Gladden Boulevard - Jun H. Kim and Yun D. Kim.
Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by City Attorney Brackins.

Pam Richmond, Senior Planner, provided a brief lead-in of the Final Development Plan for John's Corner Grocery Store reviewing the location on a map and providing the surrounding zoning and land uses. She advised the site is .43 acres and the building will be a 2400 square

feet convenience store. DRC finds the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval. The Planning Commission at their meeting on October 10, 2017 recommended approval.

Commissioner Dean said this was in a blighted area and suggested they have attractive landscaping to add to the beautification of the area.

Mayor Kilsheimer opened the meeting to a public hearing.

Pastor Hezekiah Bradford was sworn in by the City Attorney. He expressed concerns regarding the traffic in this area and said trying to turn off of Michael Gladden onto Park Avenue was very difficult. He stated the new Florida Hospital will also impact this area.

Mr. Davoll said Michael Gladden was a city road, but the intersection was maintained by the county.

Rod Love was sworn in by the City Attorney. He said the store is well needed in this community. He stated Florida Hospital will attract new businesses as well. He echoed concerns mentioned by Commissioner Dean regarding beautification in the area taking into consideration the surrounding area. He said he was not certain whether this would fall in the CRA plan, but suggested concentrated efforts be made to draw new business and provide support, taking into consideration the surrounding areas and recreating that area. He inquired why Item 3 under Business was not open to public hearing and this Item was.

Mayor Kilsheimer explained this Item was a quasi-judicial hearing and there is a formal requirement for public hearing. There is not a formal requirement for public hearing of the legislative business matter before the city.

Mr. Love said he did have some concerns and questions regarding the Splash Pad and the procurement process of it. He stated taking into consideration the last process that he has yet heard an explanation.

City Attorney Brackins clarified that the Council was at this time sitting in their capacity as judges in a quasi-judicial hearing, not in their capacity as legislative. The testimony is all being recorded in the event there is an appeal by the land owner.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean to approve the Final Development Plan for John's Corner Grocery Store. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2602 – Second Reading – Corrective Ordinance – Kelly Park Crossing DRIDO - Project: Kelly Park Crossing Development of Regional Impact Development Order

The City Clerk read the title of the ordinance as follows:

ORDINANCE NO. 2602

AN ORDINANCE AMENDING AND CORRECTING ORDINANCE NO. 2564; AMENDING AND CORRECTING THE FIRST AMENDMENT TO THE KELLY PARK CROSSING DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER; CLARIFYING THAT PROJECT ORLANDO, LLC IS THE APPLICANT AND DEVELOPER FOR THE KELLY PARK CROSSING DEVELOPMENT OF REGIONAL IMPACT; CORRECTING ORDINANCE NO. 2564 BY REPEALING AND REPLACING SAME AND REPEALING AND REPLACING ORDINANCE NO. 2230; 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 Bankson, and seconded by Commissioner Velazquez to adopt Ordinance No. 2602. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.

2. Ordinance No. 2584 – First Reading - Change of Zoning/PUD Master Plan - Project: East of Ocoee Apopka Road, north of McCormick Road - Oak Pointe South (aka Thompson Hills Est.) The City Clerk read the title as follows:

ORDINANCE NO. 2584

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT (OAK POINTE); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF MCCORMICK ROAD AND EAST OF STATE ROAD 429, COMPRISING 69.7 ACRES MORE OR LESS, AND OWNED BY THOMPSON HILLS ESTATES LLC; 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.

David Moon advised he had discussions with an affected property owner, as well as the applicant a few minutes prior to the meeting. Mr. Jones is requesting to continue this hearing to December 6, 2017, so that he can work with the affected property owner who is surrounded by this proposed development to discuss his issues and come to a resolution.

Both parties are in agreement with continuing this hearing to December 6, 2017.

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to continue Ordinance No. 2584 to a date certain of December 6, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Ordinance No. 2600 – First Reading – Comprehensive Plan Amendment – Large Scale Project: A. D. Raulerson Sr. & A. D. Raulerson Jr. - 213 West Lester Road and 2122 Rock Springs Road; and Curtis & Karen Pumphrey - 251 West Lester Road. The City Clerk read the title as follows:

ORDINANCE NO. 2600

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” LOW DENSITY RESIDENTIAL TO “CITY” MEDIUM LOW DENSITY RESIDENTIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF ROCK SPRINGS ROAD NORTH OF LESTER ROAD, COMPRISING 23.20 ACRES, MORE OR LESS AND OWNED BY A.D. RAULERSON SR. AND A. D. RAULERSON, JR.; AND CURTIS AND KAREN PUMPHREY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, said this was a request to amend the future land use on approximately 23.2 acres from County Residential Low Density (0-4 du/ac) to City Residential Medium Low Density Low (0-7.5 du/ac). He reviewed the location on a map and said the applicant desires to construct either townhomes or 40’ wide single-family lots, or a combination of both. The interest is in the 40’ wide lot single family homes. He reviewed the surrounding areas and said the DRC finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommends approval with transmittal to the state. The Planning Commissioner at their October 10, 2017 meeting found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas and recommended a (5/1) density and transmittal to the state.

Commissioner Becker reviewed the Land Development Code and said nowhere in the code does it say 40’ lots are acceptable with a minimum lot size of 75’ and the PUD classification cannot go below 70’ without offsets. He asked why we were entertaining 40’ lots on this property.

Mr. Moon said the applicant’s interest was in a townhome project and after initial review the applicant chose to pursue a 40’ wide lot single family development. He explained the planned unit development zoning category does specify minimum lot ranges of 70’ wide for single family homes and it can go down to 65’ wide as long as there is an equal number of 80’ wide

lots. He advised there is also a clause that states the City Council can accept alternative designs under the PUD ordinance. He affirmed this has recently been applied to other projects that have been submitted to the city. With that clause, the applicant is pursuing a PUD zoning that would accommodate a minimum of 40' wide lots.

Mayor Kilsheimer said they were entitled to townhomes and if they opt not to consider the 40' wide lots, the applicant will come forward with the townhomes project that will be denser. He disclosed having spoken to the applicant regarding this and represent this is what the market is asking for.

Commissioner Becker inquired if the current land use would facilitate the construction of townhomes.

Mr. Moon advised the current land use would not allow townhomes. He advised the law was clear that when a property is annexed into a municipality and the land use designation has not been assigned by the city, then they follow the county land use assigned to the property. He stated we also have a joint planning agreement with the county and we have adopted policy in our comprehensive plan that states once a property is annexed into the city, the city will assign a land use designation and zoning for the property. This is what the process the applicant is going through at this time.

Commissioner Velazquez said if townhomes are built, these would be adjacent or to the back of homes that are (3du/ac) in Alexandria Place and this was a concern.

Mr. Moon advised through PUD zoning they can provide additional buffering and special design standards for the site. The applicant is proposing a 30' landscape buffer with a 6' brick wall.

Richard Wohlfarth, Wohlfarth Consulting Group LLC, said their original proposal was for 176 townhouse lots which is just short of 7.5 du/ac. During the Planning Commission meeting there were members of the community present and the biggest concern was having townhouses right next to single family homes. He said they went back and looked at other options. One of the options was to have 114 single family homes on smaller 40' wide lots. He said this brought it down to under 5 du/ac and in addition they looked to see what else could be done to be better neighbors. They do have a challenge with a mobile home park to the south, commercial to the east, and to the west a water plant. They felt this transition from the trailers to single family homes was a good transition. He said they also realize they are smaller lots and need to back up to the neighbors to the north. They agreed to a buffer of 30' with the qualification to over landscape the area on the west side of the cul-de-sac. He stated they do plan to put in additional landscaping and the wall will be immediate. He said they are committed to this being a gated community and a maintenance free community with the lawns being maintained by the HOA. They will be putting in a pool and cabana bath, as well as playground equipment. He affirmed they were trying to make this as attractive an area as possible. He said they would be back before Council repeatedly during the PUD process. He stated they hope to be a good developer in the City of Apopka.

Mayor Kilsheimer said one issue of concern he has is the length of the driveways, stating they have had a consistent issue with developments where the driveways are too short to be able to park adequate cars.

Mr. Wohlfarth said they did make one adjustment after meeting with staff by increasing the front setback from 20' to 22'. They will have additional parking by the pool and cabana and they will look into providing additional parking.

Mayor Kilsheimer opened the meeting to a public hearing.

Carol McCorkle said she lives on Lester Road and owns 10 acres with a single family home and she owns a 10 acre nonprofit wildlife rehabilitation organization. She said they came seeking a city that they could with and found Apopka with an interest in ecotourism. She said they knew they would have Lester Road go through and single family homes. She said the future planning use she has from 2002 shows everything as low residential. She stated she is from the Avian Reconditioning Center and has been in Central Florida for a very long time. She has met with the developer and he seems to be very conducive to helping them. She said their center has been a valuable asset to Apopka and she would hate to see them have to leave. She expressed concern regarding the traffic in the area at this time and with additional traffic being added. She said this area should be low density single family.

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

Commissioner Bankson said they experienced this on the Sandpiper project and once the use has been changed the developer has the right to develop according to that land use. He stated the neighbors to the north have larger lots and he is concerned that this does not match the character.

Mr. Moon advised this was a legislative matter and Council has the opportunity to listen to the facts and findings being presented and make a decision on what they feel to be the best decision for the City of Apopka.

Discussion ensued regarding traffic and a traffic study. Mr. Hitt explained this is a legislative ordinance for the Comprehensive Plan and this is not the time the traffic study is normally done.

City Attorney Brackins advised they were not approving the development plan. At this time they are reviewing the land use designation only and issues of development will come at a later time.

Mr. Hitt said to keep in mind the proposal is for a PUD and this provides Council with more discretion for requirements. He stated the sample of the concept plan has a 30' buffer on the north side and there is also a 15' rear setback for the building itself which provides a total of 45' setback.

Discussion ensued regarding density and going down to low density of 5 du/ac.

Mr. Wohlfarth said if going to low density, 5 du/acre is acceptable, then they are fine with that change.

Mr. Moon said since this is the first reading City Council could amend the ordinance to low density residential since it is a lower impact.

City Attorney Brackins agreed Council can amend the ordinance to a lower density at first reading and move forward without the need to readvertise.

MOTION by Commissioner Velazquez to table this to November 15, 2017. Motion failed due to lack of a second.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve Ordinance No. 2600 at first reading with a change to low density residential and approve transmittal to the Florida Department of Economic Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. Ordinance No. 2604 – First Reading – Comprehensive Plan Amendment – Large Scale – TGINF, LLC - 501 Old Dixie Highway. The City Clerk read the title as follows:

ORDINANCE NO. 2604

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 COMMERCIAL TO MEDIUM LOW DENSITY RESIDENTIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF OLD DIXIE HIGHWAY AND WEST OF NORTH MAINE AVENUE, COMPRISING 15.73 ACRES, MORE OR LESS AN OWNED BY TGNIF LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon said this request is to change the future land use designation from Commercial to Medium Low Density Residential on approximately 15.73 acres north of Old Dixie Highway, just to the east of Apopka Elementary School. He reviewed the surrounding area land use. The Planning staff considered the residential use compatible with an adjacent elementary school and children living in this area would be within walking distance. DRC and the Planning Commissioner reviewed the request and recommends approval and transmittal of the proposed future land use.

Alan Goldberg, manager of Old Dixie 15 LLC, said they are in agreement with staff's recommendation and available to answer any questions.

Mayor Kilsheimer opened the meeting to a public hearing.

Suzanne Kidd said this is a property she passes every day as she travels Old Dixie Highway and approximately a year or so ago there was an incident where a student was killed crossing that dark stretch of road just behind the Wawa. She said this will add a lot more residents in the area and she would like to raise the issue of terrible lighting up and down Old Dixie Highway. She stated she previously did a study from Orange Avenue to Plymouth Sorrento Road and in this three miles there is a total of ten street lights, six being behind the Lowes plaza. She said she realizes this is a stretch of Orange County road and declared there needs to be some kind of cooperation between Orange County and the City to have better lighting in this area.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Dean to approve Ordinance No. 2604 at First Reading and transmittal to FDEO. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

Council recessed at 4:06 p.m. and reconvened at 4:12 p.m.

5. Ordinance No. 2605 – First Reading – Comprehensive Plan Text Amendment –Amendment to the Future Land Use Element, Policy 20.10 and Table 20.10. The City Clerk read the title as follows:

ORDINANCE NO. 2605

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 POLICY 20.10 AND TABLE 20.10; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Moon said this is a request for a policy amendment to the comprehensive plan, advising this is a legislative matter, but is also considered a large scale amendment. Any change to the comprehensive plan text requires transmittal to the state agencies. This objective and policy in the comprehensive plan specifically addresses the Wekiwa Parkway Interchange Vision Plan area which is now transitioning into the Kelly Park Interchange area. He explained the policy for form-base code standards requires a minimum and a maximum floor area ratio (FAR) and went on to explain the FAR. He said places where they are trying to encourage higher intensities of development, there will be a minimum FAR required. He advised in the Wekiwa Parkway Interchange Vision Plan area, the intent is to concentrate higher intensities and densities within the one mile radius and lower densities will be promoted outside the one mile radius. He stated the request is to reduce the minimum FAR from .3 to .15 explaining this will accommodate commercial development attracted to this area.

Mayor Kilsheimer said typically commercial follows residential. Publix tends to plant a

location for the residential development and this was trying to be responsive to allow Publix to build sooner, and other commercial retail will follow as well as residential.

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 Ordinance No. 2605 at First Reading and transmittal. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. Ordinance No. 2608 – First 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 provided a brief lead-in stating this is a request to amend the existing Avian Point PUD zoning and master plan to increase the maximum height within Phase B-2 of the master plan which is the apartment complex. The applicant is requesting an increase from 45 feet to 50 feet for Phase B-2 and to increase the maximum number of floors from three to four. The intent overall is to create four-story apartments on a smaller area of land with a similar number of units and preserve area to the south to potentially accommodate a school facility. Both the DRC and Planning Commission recommend approval.

Frank Bombeck, said fifty feet should be sufficient to construct a four-story product. He stated they have been holding discussions with Orange County Public Schools to possibly place an elementary school in this area. They will be back before Council with final development plans.

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. 2608 at First Reading and hold over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

7. Florida Property Assessed Clean Energy (PACE) Resolutions:
Resolution No. 2017-20 - Florida PACE Funding Agency
Resolution No. 2017-21 - Clean Energy Green Corridor
Resolution No. 2017-22 - Florida Green Finance Authority/Renew PACE program
Resolution No. 2017-23 - Florida Resiliency and Energy District's Property Assessed Clean Energy Program

The City Clerk read the title of the resolutions as follows:

RESOLUTION NO. 2017-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA, TO PROVIDE A MECHANISM FOR THE FINANCING OF ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS, RENEWABLE ENERGY IMPROVEMENTS, AND WIND RESISTANCE IMPROVEMENTS; AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE INTERLOCAL SUBSCRIPTION AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY; PURSUANT TO WHICH THE FLORIDA PACE FUNDING AGENCY WILL ADMINISTER A FINANCING PROGRAM FOR SUCH IMPROVEMENTS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY; AUTHORIZING AND DIRECTING CITY OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS TO TAKE SUCH ACTIONS AS MAY BE NECESSARY OR DESIRABLE IN FURTHERANCE OF THE PURPOSES OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Kilsheimer said the PACE (Property Assessed Clean Energy) program started in south Florida as a way for property owners to be able to make improvements to their property with regards to energy conservation and indoor water efficiency. It allows a property owner to obtain financing that they pay back using their taxes as opposed to a bank loan. This is a very cost effective way to borrow money to make these improvements. He advised the significant advantage is that the loan goes with the property.

Jim Hitt, Community Development Director, said this was passed by F.S. 163.08 and approximately 60 communities throughout the state are currently participating. He affirmed there are four companies working with this program and each company requires a separate resolution. He said it is available throughout the City to all property owners, including the CRA area. He stated there are three company representatives present to answer any questions.

In response to Commissioner Becker inquiring if there could be information placed on the city website as a general education standpoint, Mr. Hitt said this has been authorized through the State Legislature through Florida Statutes and there are a limited number of companies that can provide this service. He stated it is something that we can place on the website for clean energy low cost loans.

Devesh Nirmul, Renew Financial, said they are one of the third party administrators for PACE, and by approving these resolutions, the City is joining an existing inter-government district. He affirmed this was not a contract with any of the third party administrators. He declared they are accountable to each of the districts and they each have a separate district they report to. He advised there is no liability risk or cost to the City. The State Statute enables the public/private partnership to allow this to function effectively.

Ricardo Rodriguez, Ygrene Energy Fund, said the local contractors do the work and this was a financing mechanism for the local contractors. He advised that statewide, his company is involved with 117 municipalities and 12 counties. He said that over 15,000 properties in the state have benefited from using the PACE program and they have certified 1,500 contractors in the state to do PACE programs.

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 Resolution No. 2017-20. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

RESOLUTION NO. 2017-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM AND JOINING THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT AS A NON-VOTING MEMBER; AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE MEMBERSHIP AGREEMENT WITH THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR DIRECTIONS TO THE CLERK; AND PROVIDING FOR 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 Becker, and seconded by Commissioner Velazquez to approve Resolution No. 2017-21. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

RESOLUTION NO. 2017-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA, APPROVING A PARTY MEMBERSHIP AGREEMENT AND ITS INCORPORATED INTERLOCAL AGREEMENT

**IN ORDER TO JOIN THE FLORIDA GREEN FINANCE AUTHORITY'S
PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM UNDER
SECTION 163.08, FLORIDA STATUTES; PROVIDING FOR
AUTHORIZATION; AND PROVIDING FOR 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 approve Resolution No. 2017-22. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

RESOLUTION NO. 2017-23

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
APOPKA, FLORIDA, APPROVING A PARTY MEMBERSHIP
AGREEMENT AND ITS INCORPORATED INTERLOCAL AGREEMENT,
IN ORDER TO JOIN THE FLORIDA RESILIENCY AND ENERGY
DISTRICT'S PROPERTY ASSESSED CLEAN ENERGY (PACE)
PROGRAM UNDER SECTION 163.08 FLORIDA STATUTES;
PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR 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 Bankson, and seconded by Commissioner Velazquez to approve Resolution No. 2017-23. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

7. Resolution No. 2017-25 - Granting a non-exclusive franchise for roll-off container collection and disposal. The City Clerk read the title as follows:

RESOLUTION NO. 2017-25

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA,
FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO CENTRAL
ENVIRONMENTAL SERVICES, INC., TO PROVIDE "ROLL-OFF"
CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY
OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF
ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE
TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR
FRANCHISE FEE; 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 Dean to approve Resolution No. 2017-25. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

9. Resolution No. 2017-26 - Reimbursements from proceeds of tax-exempt debt. The City Clerk read the title as follows:

RESOLUTION NO. 2017-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA WITH RESPECT TO THE REIMBURSEMENT OF CERTAIN COSTS RELATING TO THE ACQUISITION OF VARIOUS VEHICLES AND CAPITAL EQUIPMENT AND THE CONSTRUCTION OF THE SEWER EXPANSION PROJECT.

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. 2017-26. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

Commissioner Becker said if the photo they received of the scoreboards is the product we are receiving, he would suggest the scoreboards not be accepted. He pointed out this photo is very different from the proposal.

Mr. Irby said if this was not what we ordered, they will not be accepted.

Commissioner Dean thanked Dr. Shackelford for the positive remarks he made earlier and suggested Council take heed in what he said.

MAYOR'S REPORT

Mayor Kilsheimer announced the Apopka Police Department was recognized as one of the top law enforcement agencies in the State of Florida, achieving its first ever standards accreditation from the Commission for Florida Law Enforcement Accreditation. The City of Apopka Police Department was formally recognized this morning at a meeting in Westin, Florida by the Commission for Florida Law Enforcement Accreditation.

Mayor Kilsheimer reported on an update for storm debris cleanup stating the second pass is approximately 40% complete and will likely take through the end of next week to complete. Cutting of hanging limbs is winding down and once the second pass is complete, the contractor will focus on removing tree trunks and stumps from rights-of-way and assisting the City with clearing leaves from clogged storm drains. The public is being asked to report to Public Services

any large amount of storm debris that has not been picked up within the city limits. If residents have storm debris they have not been able to get to the curb, please do so now and contact Public Services to be included on the final pass. This is for storm debris only, not land clearing or healthy tree removal. Please place loose leaves or twigs in bags or containers. The City waste crews are working on Friday yard waste areas to collect bags, containers, bulky waste and any remaining debris from hanging limbs that may have been left behind. On Monday, they will start in the Monday yard waste area, also known as debris zone one on the west side of the City continuing to make a clean sweep behind the contractor.

Mayor Kilsheimer reported the administrative decision has been made to combust the waste debris at the Northwest Recreation area using the technology called Air Curtain Burner. The utilization of this method is estimated to save approximately \$700,000. Following all approvals from the State, it is estimated to take approximately twelve days to combust all of the material. He advised this technology is designed to minimize both smoke and odor.

Mayor Kilsheimer congratulated Wekiva High School on winning the Mayor's Cup this past week in a game that came down to the final minutes. This was Wekiva High School's first time in winning the game. He further reported that Owl Fest is this weekend at the Avian Reconditioning Center and the Miss Apopka Scholarship Pageant is at Apopka High School this weekend.

Commissioner Becker congratulated the Apopka Police Department on their accreditation and thanked the Mayor and Mr. Irby for providing the environment for them to be able to succeed.

Mayor Kilsheimer confirmed the unveiling of the Mayor Land statue is Friday morning in front of City Hall.

ADJOURNMENT: There being no further business, the meeting adjourned at 5:05 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST;

Linda F. Goff, City Clerk