

CITY OF APOPKA

Minutes of the regular City Council meeting held on August 20, 2014, at 8:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth

PRESS PRESENT: Roger Ballas - The Apopka Chief

INVOCATION – Commissioner Dean introduced the Reverend Tim Ford of New Direction Church, who led in the Invocation.

PLEDGE OF ALLEGIANCE - Mayor Kilsheimer said on August 26, 1920, the Nineteenth Amendment was formally adopted into the U.S. Constitution, guaranteeing women the right to vote. This journey began more than 70 years earlier at the Seneca Falls Convention organized by Elizabeth Cady Stanton and Lucretia Mott to discuss women's rights. The convention ended with the passage of a resolution declaring the duty of women to secure the sacred right of voting. Women called suffragettes worked tirelessly to secure the right to vote, first winning over individual states. When America entered WWI in 1917 women aided in the war effort at home, breaking down the remaining opposition to suffrage. By 1918, both the Republican and Democratic parties endorsed women's suffrage which led the way to the passage of the Nineteenth Amendment. He asked everyone to remember the sacrifice and courage of those who fought for the right of each and every one to vote, as he led in the Pledge of Allegiance.

Mayor Kilsheimer welcomed everyone to the meeting and then introduced new City Attorney Cliff Shepard.

PRESENTATIONS

1. 2014 Institute for Elected Municipal Officials - Kathy Till, Florida League of Cities - Former Apopka Commissioner Kathy Till, representing the Florida League of Cities, presented Commissioners Diane Velazquez and Sam Ruth with their Certificate of Completion on attending the 2014 Institute for Elected Municipal Officials held June 13-15, 2014, in Delray Beach, Florida.

2. Presentation of Art - Dianne Young and Artist Leland Williams - Dianne Young presented the art purchased by the City at the 2014 Art & Foliage Festival. Artist Leland Williams gave an explanation of the design and the meaning of the symbolism of the art piece. Mayor Kilsheimer said he will be displaying it in his office reception area.

3. Orange County Enterprise Zone - Jason Reynolds, Principal Planner for Orange County's Neighborhood Preservation & Revitalization Division - Mr. Reynolds gave an

overview of the two Enterprise Zones located in Orange County (Orange County Enterprise Zone and South Apopka Enterprise Zone). He spoke of the benefits of the zones in attracting new businesses. The Enterprise Zone Development Agency (EZDA) is scheduled by the legislature to sunset in 2015.

CONSENT AGENDA

1. Approve the minutes from the special City Council meeting held on July 30, 2014, at 5:15 p.m.
2. Approve the minutes from the regular City Council meeting held on August 6, 2014, at 1:30 p.m.
3. Approve the minutes from the Budget Workshop held on August 6, 2014, at 4:35 p.m.
4. Approve the minutes of Administrative Bid Opening No. 2014-09 for Attorney/Legal Services, held on August 1, 2014, at 10:15 a.m.
5. Approve the request, from Apopka High School, to hold its annual Homecoming Parade on Friday, September 19, 2014.
6. Authorize the execution of a contract with Layne Inliner, LLC, in the amount of \$41,628.00, for the installation of 1,226 linear feet of an 8-inch pipe inliner.
7. Authorize the installation of streetlights along Bradshaw Road and 1st Street, at a cost of \$72,172.00, and the monthly lease/maintenance fee of \$689.75.
8. Authorize the issuance of a Peddler Permit, to Byron Tobias of Edward Jones Investments, for solicitation of investment services.
9. Authorize issuance of a Peddler's Permit, to Wesley Chapel Honda, for a vehicle sale at Apopka Land Regional Shopping Center from September 2, 2014 through September 7, 2014.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve nine items on the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 2374 – SECOND READING – VACATE - Apopka Woods, LLC** - Vacating a portion of a Utility Easement - 1472 W. McCormick Road. [Ordinance No. 2374 does not meet the requirements for adoption.]

The City Clerk read the title, as follows:

ORDINANCE NO. 2374

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE
A PORTION OF A UTILITY EASEMENT LOCATED AT 1472 WEST
MCCORMICK ROAD; PROVIDING DIRECTIONS TO THE CITY**

CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting for a public hearing. No one wishing to speak, he closed the public hearing.

MOTION was made by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to accept the Second Reading of Ordinance No. 2374, and hold it over for a Third Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 2. ORDINANCE NO. 2375 – SECOND READING – VACATE - Susan Van Alstine -**
Vacating a Portion of a Drainage and Utility Easement - 1738 Lucky Pennie Way.
[Ordinance No. 2375 does not meet the requirements for adoption.]

The City Clerk read the title, as follows:

ORDINANCE NO. 2375

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF THE DRAINAGE AND UTILITY EASEMENT LOCATED AT 1738 LUCKY PENNIE WAY; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting for a public hearing. No one wishing to speak, he closed the public hearing.

MOTION was made by Commissioner Dean, and seconded by Commissioner Velazquez, to accept the Second Reading of Ordinance No. 2375, and hold it over for a Third Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 3. ORDINANCE NO. 2376 - SECOND READING - THE CITY OF APOPKA CODE OF ORDINANCES, CHAPTER 6 - ALCOHOLIC BEVERAGES -** Amending certain sections to allow for extended hours of sale of alcoholic beverages; for possession on roadways, alleys and public right-of-ways; for possession within city parks for certain events; and hold over for Third Reading and Adoption.

The City Clerk read the title, as follows:

ORDINANCE NO. 2376

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CERTAIN SECTIONS OF CHAPTER 6, “ALCOHOLIC BEVERAGES” OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, TO

ALLOW FOR EXTENDED HOURS OF SALE OF ALCOHOLIC BEVERAGES; FOR POSSESSION ON ROADWAYS, ALLEYS AND PUBLIC RIGHT-OF-WAYS; FOR POSSESSION IN PARKING AREAS AND LOTS; FOR POSSESSION WITHIN CITY PARKS; FOR CERTAIN EVENTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Administrator Anderson said staff has met with the Ministerial Alliance to resolve their concerns with the ordinance. Staff decided to throw out the re-write of the entire code and return to amend the current Code, with some amendments to sales on Sunday beginning at 12:00 p.m., and strengthening police power for enforcement.

Mayor Kilsheimer opened the meeting for a public hearing.

A. Earl Nurse, 3851 Rock Hill Loop, spoke in opposition to the ordinance allowing alcohol sales on Sunday. He also reported there was fluid dumped on Rock Hill Loop and asked for assistance for removal.

Benjamin Bankson, 230 W Magnolia Street, said he was speaking for his father, Reverend Doug Bankson of Victory Church, thanking the City for considering and looking at the buffer zones around schools and churches, keeping Apopka an enjoyable and safe place for our children.

Jim Page, 4416 Rock Hill Loop, also thanked the City for reconsideration of the buffer zones. He added he would rather there be no changes, but appreciated the City's consideration of churches.

Dale Fenwick, 1272 Errol Parkway, spoke strongly in opposition to the alcoholic beverage regulation changes in the ordinances. He also spoke about the budget and suggested those that are receiving a benefit should bear the cost for the services.

Appearing no one else wished to speak Mayor Kilsheimer closed the public hearing.

Aida Campbell, speaking up, asked to speak, to which Mayor Kilsheimer reopened the public hearing.

Aida Campbell, 650 Whitetail Loop, spoke in opposition to the alcoholic beverage ordinance. She also thanked the City for making an accommodation for her, permitting her to participate in the City Council meeting.

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

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to accept the Second Reading of Ordinance No. 2376, and hold it over for a Third Reading.

Mayor Kilsheimer said this is a lifestyle issue. He thanked the Ministerial Alliance, the City Administrator, Police Chief Manley, Planning Manager David Moon, and other staff for making the changes, keeping it in line with the values of the Apopka community.

Motion carried 3-2, with Mayor Kilsheimer, and Commissioners Velazquez and Ruth voting aye, and Commissioners Arrowsmith and Dean voting no.

- 4. ORDINANCE NO. 2373 – FIRST READING – CODE OF ORDINANCES, PART III - LAND DEVELOPMENT CODE AMENDMENT** – Amending the City of Apopka Code of Ordinances, Part III, Land Development Code, Article III – Overlay Zones, to create a Small Lot Overlay Zoning District. [Tabled at the August 6, 2014 City Council meeting.]

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to remove Ordinance No. 2373 from the table. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

The City Clerk read the title, as follows:

ORDINANCE NO. 2373

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III TO ESTABLISH A SMALL LOT OVERLAY ZONING DISTRICT; PROVIDING FOR APPLICABILITY; DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2373, and hold it over for a Second Reading.

Commissioner Arrowsmith stated he still has concerns with the 40 foot lots, in that he has worked hard through his years on the City Council to encourage larger lots. He asked that staff carefully work to make sure that the future growth of the city will make this work for the City of Apopka. He added that staff requires the additional amenities to offset the lot size.

Commissioner Dean also expressed concerns with the lot size.

Mayor Kilsheimer said this is the new trend in the marketplace, citing Emerson Park as an example. He said the purpose is to raise the standards for the character of the development planned.

Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 5. ORDINANCE NO. 2377 - FIRST READING** - Amending Chapter 42 (Environment), adopting Article III (Neighborhood Improvement Special Assessment) of the Code of Ordinances, relating to the establishment of Neighborhood Improvement Special Assessments.

The City Clerk read the title as follows:

ORDINANCE NO. 2377

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 42, "ENVIRONMENT", BY ADOPTING ARTICLE III, ENTITLED "NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENT", OF THE CODE OF ORDINANCES, RELATING TO THE ESTABLISHMENT OF PURPOSE OF NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENT TRUST FUND; AUTHORIZING SPECIAL ASSESSMENTS; COLLECTION OF SPECIAL ASSESSMENTS; LIENS ON PROPERTY; EXPENDITURE OF REVENUE, REIMBURSEMENT OF FUNDS FOR ADMINISTRATIVE ASSISTANCE BY CITY OFFICIALS; RIGHT FOR WITHDRAW, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Administrator Anderson said this is our attempt to assess those homes where the Homeowners Association has dissolved and a majority of homeowners are off site. He said this is a new mechanism for assessing them for improvements to the properties.

Mayor Kilsheimer opened the meeting for a public hearing.

Tenita Reid, 651 O'Leary Court, spoke in opposition to the ordinance, expressing concerns that some of the property owners who care for their properties will be assessed for the ones who do not.

Mayor Kilsheimer explained there are only a couple of subdivisions in Apopka and a majority of them are not owner-occupied, but rentals. He added the City is moving forward to address the public health and safety issues.

Ms. Reid spoke again, inquiring the reasoning to impose an assessment on every property owner in the subdivision when a lien could be placed on the few properties that are causing the issues.

Mayor Kilsheimer explained that research conducted by the City has shown that the assessment method is the most direct and effective way to move forward.

Dale Fenwick, 1272 Errol Parkway, expressed concern in the long term impact, when it might encourage other HOA's to see this as a means to get out of their issues and turn them over to the City.

Suzanne Kidd, 1260 Lexington Parkway, expressed concern at the broad wording in the ordinance giving additional power to the City Council.

CA Anderson said the City has the power now. The main intent for the ordinance is to address walls, fences, retention areas and pools. He explained that if the Homeowners Association returns, it will be turned back over to them.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2377, and hold it over for a Second Reading. Motion carried 4-1, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Velazquez, and Commissioner Ruth voting no.

SITE APPROVALS

- 1. FINAL DEVELOPMENT PLAN - Verizon Wireless - Apopka, owned by Calmil Investment Group, LP; applicant is Rock RDP 1, LLC; and engineer is Rogers Engineering, LLC c/o Rodney Rogers, P.E., for property located at 1120 West Orange Blossom Trail (Parcel ID No. 05-21-28-0000-00-025) [Tabled at the August 6, 2014 City Council meeting.]**

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to remove Final Development Plan for Verizon Wireless - Apopka, from the table. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

Mr. Anderson said a traffic analysis of the intersection of Lake Doe Boulevard and U.S. 441 was performed and reviewed to ensure there is enough land to make improvements in the future. He read the report to the City Council. (Report is on file with the City Clerk's Office).

Mayor Kilsheimer opened the meeting for a public hearing.

Rodney Rogers of Rogers Engineering, LLC, the engineers for the project, expressed gratitude to the City for the direction and assistance in processing the paperwork for this project. He said the site is designed with a beautiful building and landscaping.

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

MOTION was made by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to approve the Final Development Plan for Verizon Wireless - Apopka, as recommended. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

- 2. FINAL DEVELOPMENT PLAN – Taco Bell – Owned by BB Hobbs Company – Cobblestone Partners, Inc.; engineer is Florida Engineering Group, c/o Sam Sebaali, P.E., LEED® AP; and property located at 1429 West Orange Blossom Trail. (Parcel ID No. 05-21-28-0000-00-001)**

Community Development Director Jay Davoll gave an overview of the project, outlining the waiver request to allow the dumpster material to be the same as the building. (The staff report is incorporated into and made a part of the minutes of this meeting.)

Commissioner Velazquez strongly expressed concerns with the entrance and exit on Old Dixie Highway.

Commissioner Arrowsmith pointed out that there are still four unplatted, undeveloped lots on Old Dixie Highway that will have direct access to Old Dixie Highway.

Commissioner Dean reviewed and questioned some aspects of the landscaping plan.

Rick Abt with Florida Engineering Group, the engineers for the project, explained there will be 51 new trees on site and more landscaping than required by Code. He said this is a franchisee, and has brought up their standards. Mr. Abt continued to answer questions of the Council members.

Commissioner Arrowsmith asked that the landscape be held back to ensure a clear site visibility range at the entrances and exits. Mr. Abt said that would be reviewed to ensure safety.

Marvin Gutman, 427 Lanarkshire Place, expressed his concern at the addition of another fast food type restaurant, and the benefit or negative impact to Apopka.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the Final Development Plan for Taco Bell, as recommended. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

DEPARTMENT REPORTS AND BIDS

City Administrator Anderson gave an update on Lester Road, saying that testing has been done and the City is awaiting the analysis.

Mr. Anderson said he would be working with the new City Attorney regarding the request of Commissioner Dean to see what language can be added to our bidding process to encourage minority contracting.

MAYOR'S REPORT

Mayor Kilsheimer reported that the Final Organizational Analysis Report has been completed and has been posted to the City's website. He said it will take time to digest it prior to bringing it back for discussion.

Commissioner Dean stated he did not see where minority employees were discussed, to which Mayor Kilsheimer said that is something that may be incorporated into the discussion moving forward.

OLD BUSINESS

1. **COUNCIL** - There was no old business from the City Council.
2. **PUBLIC** - There was no old business from the public.

NEW BUSINESS

1. COUNCIL

Commissioner Ruth applauded the presence of the Police Officers near his house on Magnolia Avenue overseeing the safety of the school children. He also recounted a telephone call regarding a citizen's excessive reclaimed water bill due to a leak. CA Anderson asked him to refer those type calls to the City offices for resolution.

2. **PUBLIC** - There was no new business from the public.

Linda Laurendeau, 1785 Nordic Court, spoke in favor of taking all measures necessary to maintain the Fire Department's ISO 1 Rating. She spoke of the importance in attracting new businesses to Apopka by touting the City's lowest millage rate in any full service City in Orange County, and the City's ISO 1 Rating.

Isadora Dean, 1340 Lexington Parkway, spoke of the benefits gained in attending the Florida League of Cities Conference, and expressed appreciation in hearing the City Council speak in favor of considering funding for the youth of Apopka. She encouraged the establishment of a Teen Council, originally established by Former Commissioner Kathy Till.

Sylvester Hall, 981 Ashworth Overlook Drive, spoke about the poverty that remains in our neighborhoods, the importance of people being our greatest resource, and encouraged unity and harmony among citizens. He said he looks forward to the day when Apopka will be the model city of tomorrow.

Tenita Reid, 651 O'Leary Court, requested more police presence near Apopka High School, and spoke of student parking issues in her neighborhood.

Mayor Kilsheimer noted that Orange County Public Schools changed the traffic pattern for Apopka High School this year, and the school has added approximately 200 more students than anticipated. He added that the Apopka Police Department has been out in that area in full force to address traffic issues, and Chief Manley is working with Apopka High School Principal Guthrie to address issues.

Ms. Reid further noted that there is no signage coming off of Vick Road toward the high school identifying it as a school zone, and no speed posting.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 10:04 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Janice G. Goebel, City Clerk