CITY OF APOPKA

Minutes of the regular City Council meeting held on August 3, 2016, 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 Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: Teresa Sargeant - The Apopka Chief
Bethany Rodgers, Orlando Sentinel
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Reverend Ariel Lopez, of Victory Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on August 7, 1782, General George Washington established the original Purple Heart, then known as the Badge of Military Merit, to honor soldiers for their meritorious actions. The honor was bestowed upon only three soldiers during the Revolutionary War, and although not abolished, the award was not proposed again officially until after World War I. The Purple Heart was reinstated on February 22, 1932, the 200th anniversary of George Washington's birth. Since its reinstatement, nearly two million Purple Hearts have been awarded to American servicemen and women for injuries received in service to our great Nation. He asked everyone to remember the sacrifice and bravery of the men and women of our armed forces as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council meeting July 20, 2016.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez, to approve the July 20, 2016, City Council minutes. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

PUBLIC/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Proclamations:

1. Autumn Rae Shannon Day Proclamation
   Mayor Kilsheimer said Autumn was not present and the proclamation will be presented at a later time.

Employee Recognition:

1. Five Year Service Award – Curtis Johnson – Public Services/Utility Maintenance - Utility Foreman – Curtis began working for the City on July 11, 2011, as a Utility Service Worker II. On August 2, 2015, he was promoted to Utility Foreman, which is his current position.

The Commissioners joined Mayor Kilsheimer in congratulating Curtis for his years of service.

2. Five Year Service Award – Randy Johnson – Public Services/Waste Water Maintenance - Utility Service Worker II. Randy began working for the City on July 18, 2011, as a Utility Service Worker II, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Randy for his years of service.

3. Five Year Service Award – Danielle Saslo – Police/Field Services - Police Officer. Danielle began working for the City on July 18, 2011, as a Police Officer, which is her current position. Danielle was not present and will be presented her award at another time.

4. Ten Year Service Award – Robert "Bobby" Mark, Jr – Police Department/Support Services -Police Officer. Bobby began working for the City on July 10, 2006, as a Police Officer, which is his current position. Officer Mark was not present and will be presented his award another time..

5. Ten Year Service Award – Daniel "Danny" Criswell – Fire Department/EMS – Lieutenant. Danny began working for the City on July 23, 2006, as a Fire Fighter First Class. On February 24, 2014, Daniel was promoted to Fire Engineer. Then, on October 2, 2015, he was again promoted, this time to Fire Lieutenant, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Danny on his years of service.

6. Fifteen Year Service Award – Christopher "Chris" Hanstein – Police/Field Services. Chris began working for the City on July 9, 2001, as a Police Officer. Chis was promoted to Police Sergeant on March 1, 2009, and six years ago Chris was promoted to Lieutenant which is his current position. The Commissioners jointed Mayor Kilsheimer in congratulating Chris on his years of service.

7. Fifteen Year Service Award – Edward "Pike" Mueller – Community Development/Building. Pike began working for the City on July 9, 2001, as a Multiple Code Inspector Trainee. On July 9, 2002, he was reclassified to Multiple Code Inspector, which is his current position. The Commissioners jointed Mayor Kilsheimer in congratulating Pike on his years of service.

8. Fifteen Year Service Award – Rojelio "Ro" Vasquez – Public Services/Utility Construction - Utility Service Worker II. Ro began working for the City on July 2, 2001, as a Utility Service Worker II, which is his current position. The Commissioners joined Mayor Kilsheimer on his years of service.

Presentations:

1. **Announcement of newly sworn in Police Officers**
   Mayor Kilsheimer announced that four new Police Officers were sworn in last week. He recognized Kristin Cintron, Fritz Henry, Justin Lemieux, Jennifer Pyburn, and Jose Sanchez, Jr., welcoming them to the Apopka Police Department.

2. **Presentation of check to Boy Scout Troop 211 for Parking Services at Fourth of July Event**
   Mayor Kilsheimer said Boy Scout Troop 211 helped with parking at the Fourth of July event and they were presented with a check in the amount of $1,500.

3. **Presentation of check to Christian Lamphere's Eagle Scout Project by AHA Players**
   Jim Meadows, AHA Players, said the AHA Players' mission, along with bringing the arts to Apopka, includes supporting our community through outreach programs. In support of this effort, they chose to present the production of "The Guys" as their last production of their inaugural season and donate half of the profits from ticket sales to the 9/11 project. He presented Christian Lamphere with a Flag of Honor that lists all of the victims of 9/11 and a check in the amount of $500. He advised Aunt Gingibread's Bakery also donated their proceeds of baked goods sold during the productions.

Appropriations/Donations/Grants

1. Acceptance & presentation of check to the City Council for a Duke Energy Foundation Grant Award.
   The Duke Energy Foundation presented a grant check in the amount of $9,500 to support Apopka Begins and Ends with an "A".

   MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to accept a check in the amount of $9,500 from Duke Energy Foundation Grant. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Acceptance & presentation of check to the City Council for two FRDAP Grant Awards.
   Dr. Robert Brooks, Park Manager, Wekiva River Basin State Parks, presented the City with a check for $100,000 for two different grants under the Florida Recreational Development Assistance Program (FRDAP).

   MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez to accept a check in the amount of $100,000 for two FRDAP grant awards, $50,000 for Alonzo Williams Park improvements, and $50,000 for Kit Land Nelson Park improvements. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Acceptance of a grant award from Firehouse Subs Public Safety Foundation.
   Assistant Fire Chief Sean Wylam advised the City of Apopka firefighters were recently awarded $4,401.42 from the Firehouse Subs Public Safety Foundation for the purchase of new vehicle extrication strut systems.

   MOTION BY Commissioner Velazquez, and seconded by Commissioner Becker to accept a grant in the amount of $4,401.42 awarded by Firehouse Subs Public Safety Foundation to be used for new vehicle extrication strut systems. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. Acceptance of a grant award from the Department of Homeland Security.
   Assistant Fire Chief Sean Wylam said FEMA (Federal Emergency Management Agency), part of the Department of Homeland Security, has awarded the Apopka Fire Department with a grant in the amount of $10,000 for the purchase of respiratory fit testing equipment. This grant requires the City to contribute a $1,000 matching fund.

   MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to approve the acceptance of a grant from the Department of Homeland Security in the amount of $10,000 with a matching fund of $1,000, to purchase respiratory fit testing equipment. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

Public Comment Period:

Susie O'Keefe expressed concern regarding the Apopka City News and Events stating they should include all news events including all sports, various city departments, or anything exciting happening within the city. She referenced the Fire Department Armando Borjas Jr. scholarship program being recognized nationally and felt this should also be posted on the City's event page.

Robert Sargent, Public Information Officer, advised that when the scholarship check was presented to Brendan O'Keefe, a photograph and article were posted to the City of Apopka News, Events Facebook page, as well as promoting it to the media.

Jeff Welch said he works for Rochelle Holdings, the parent developer of Kelly Park Crossing, and stated he was not here to speak for or against the item on the Consent Agenda regarding Form Based Code. He asked the City keep in mind as negotiating with Littlejohn on the Form Based Code that the market approach also be considered in addition to the aesthetics.

Rod Love applauded Council on the open process of the Budget Workshops. He stated one issue he wanted to address is the issue of advocacy and fairness, stating he noticed the amount of $70,000 in the budget for Apopka Begins and Ends with an "A". He said while he supports school programs, education was a core issue of the Orange County School Board. He said those actions heighten the call for single member districts.

Pastor Hezekiah Bradford, Jr. thanked Commissioners Bankson, Becker, and Dean for coming to see the process of the Task Force in trying to make Apopka safe. He thanked the Police Department and Chief McKinley for the candlelight vigil held at Kit Land Nelson Park as there were two Pulse victims from Apopka. He said the Black Lives Matter march took place and it was very peaceful. He suggested the October agenda have an item placed on it to discuss single member districts.

CONSENT (Action Item)

1. **Authorize staff to contract with CPH to perform a site plan of Edwards Field**
2. **Authorize Form Based Code Consultant Funding.**

   MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve the two items on the Consent Agenda. Motion carried unanimously with

Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

BUSINESS

1. Development Review Fees Update

Mark Reggentin, Community Development Director, said in evaluating the code, it was brought to his attention the development review fee structure had not been updated or evaluated since 1993. He stated this raised a few concerns in terms of recuperating costs of the development review process. He advised there are generally two approaches to development review fee structure; one being to recoup these costs, and the other is to keep the fee structure low and subsidize the development review process as an incentive for new development to come in. He suggested doing an evaluation to determine what the development review cost is for each application and bring the fees more in line with the services being provided.

In response to where our fees are in comparison to surrounding cities, Mr. Reggentin advised our fees are the lowest. He stated the development review fees should be evaluated every two to three years.

In response to Commissioner Dean inquiring where the money goes for these fees and why we do not show what these fees are used for, Mr. Irby advised they go into the General Fund and they are unrestricted funds within the General Fund. He explained the gap he refers to would shorten since they can be used for anything across the spectrum.

It was the consensus of the Council to have these fees evaluated and bring forward an ordinance bringing the fees more in line with what other communities charge.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. **Ordinance No. 2507 – Second Reading – Change of Zoning –** The title was read by the City Clerk as follows:

ORDINANCE NO. 2507

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (RESIDENTIAL) TO C-1 (RETAIL COMMERCIAL (0.25 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF MARDEN ROAD, NORTH OF STATE ROAD 414, COMPRISING 51.88 ACRES MORE OR LESS, AND OWNED BY EMERSON POINT PHASE II, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer advised this was a quasi-judicial hearing.
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 adopt Ordinance No. 2507. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Ordinance No. 2508 – Second Reading – Change of Zoning –** The City Clerk read the title as follows:

ORDINANCE NO. 2508

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM MIXED-CC AND R-1A TO PLANNED UNIT DEVELOPMENT (PUD\MIXED-CC\RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF ORANGE BLOSSOM TRAIL AND SOUTH OF CHANDLER ESTATES DRIVE, COMPRISING 67.73 ACRES, MORE OR LESS AND OWNED BY CARTER-ORANGE 67 HWY 441 LAND TRUST (APOPKA FARMS); 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 the City Clerk.

Commissioner Becker said the idea of this community with a walkable commercial district outside of the neighborhood. However, he would like to see tobacco shops moved from being a permitted use to a prohibited use, being that this is a residential community.

Michele Tanner with CPH advised they did not have an issue with moving tobacco shops to the prohibited category.

Commissioner Velazquez said she was still not comfortable with the second exit out of this community going through another residential subdivision. She said it would be best if there was a main street between the subdivisions.

David Moon, Planning Manager, said Chandler Estates to the north has one access point off of Yothers Road. The southern access was planned to provide a second access for emergency response in the event the Yothers Road entrance was blocked for some reason. Similarly, Apopka Farms would only have one access point from the south if there was not a secondary access. He declared this provides a second alternative for both communities for emergency access as well as helping to disperse traffic on to other streets.

Commissioner Velazquez expressed concern regarding the speed of vehicles and emergency vehicles traveling through Chandler Estates, as well as commercial traffic.

City Attorney Shepard advised the City cannot regulate on public roads other than our own.

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 Bankson to adopt Ordinance No. 2508 with the stipulation of removing Tobacco Shops from a permitted use to a prohibited use. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Dean, Becker, and Bankson voting aye, and Commissioner Velazquez voting nay.

3. **Ordinance No. 2512 – First Reading – Vacate – Harmon Road Right of Way –** The City Clerk read the title as follows:

ORDINANCE NO. 2512

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF HARMON ROAD RIGHT OF WAY; LOCATED WEST OF BINION ROAD; AND IN SECTION 19, TOWNSHIP 21, RANGE 28 OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

Rogers Beckett, Senior Project Coordinator, reviewed the location of this proposed right-of-way vacate on a vicinity map, stating the applicant is seeking to vacate this in order to help them with the residential development. The applicant is proposing a 147 unit residential subdivision at this location and this would help them with the design of their site. There has been no objection of the utility providers for this vacate.

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

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 Becker to approve Ordinance No. 2512 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. **Resolution 2016-18 - Non-exclusive franchise for roll-off container collection and disposal of waste –** The City Clerk read the title as follows:

RESOLUTION 2016 – 18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO SUNSHINE RECYCLING 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 public input. No one wishing to speak, he closed the public input.

MOTION by Commissioner Becker and seconded by Commissioner Dean to approve Resolution No. 2016-18. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. **Resolution 2016-19 - Amending the budget for FY October 1, 2015 - September 30, 2016.** The City Clerk read the title as follows:

RESOLUTION NO. 2016-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FRO THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016, PROVIDING FOR A BUDGET AMENDMENT.

Pam Barclay, Finance Director, stated this is the third quarter budget amendment. As state statute required, to amend the budget if you are going to increase the amount, an amendment is required. All of the costs associated with this amendment have already been approved by Council.

Mayor Kilsheimer opened the meeting to public input. No one wishing to speak, he closed the public input.

MOTION by Commissioner Velazquez and seconded by Commissioner Becker to approve Resolution No. 2016-19. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. **Resolution 2016-20 - Modification to the Personnel Rules regarding Coaches.** The City Clerk read the title as follows:

RESOLUTION NO. 2016-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING CRITERIA WITHIN THE CITY'S PERSONNEL RULES AND REGULATIONS MANUAL FOR REQUIRED BACKGROUND CHECKS FOR COACHES AND OTHER PERSONNEL WITHIN ORGANIZATIONS UTILIZING CITY FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Chief McKinley said he had been asked to look into coaching and some of the restrictions in the current resolution and how it could be modified due to receiving several comments and complaints with regards to people being prevented to participate in coaching due to crimes committed more than thirty years ago. The recommendation is to follow Florida Statutes and have the onus and liability put to the organization using city facilities. They will be required to show proof of the level one background checks.

Mayor Kilsheimer opened the meeting to public input.

Pastor Hezekiah Bradford said his concern would be that he would like to see the Police Chief take some form of amendment with regards of a person being convicted of something such as marijuana or a misdemeanor in comparison to say domestic violence. He felt this could be handled locally rather than state or federal.

Chief McKinley reiterated those will go away and the new resolution is to follow Florida State Statutes and the crimes that are prohibited from coaching in the statutes.

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

MOTION by Commissioner Velazquez and seconded by Commissioner Bankson to approve Resolution No. 2016-20. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

MAYOR'S REPORT – Mayor Kilsheimer reported he went on a preview tour of the new Florida Hospital yesterday along with John Ricketson and a number of the Florida Hospital Advisory Council. He stated it was going to be an amazing building and will have a huge impact on the City of Apopka.

COUNCIL REPORTS

Commissioner Dean introduced a guest of his present in the audience who is from the U.S. Virgin Island of St. Thomas, Senator Alex Petry, who is an ex-senator for St. Thomas, and he is a part time resident of the City of Apopka owning a home in the Pines of Wekiva.

NOT REQUIRING ACTION

1. CAFR apology letter received by Moore Stephens Lovelace CPAs & Advisor.

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

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Joseph E. Kilsheimer, Mayor

ATTEST;

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Linda F. Goff, City Clerk