

CITY OF APOPKA

Minutes of the regular City Council meeting held on April 18, 2018, at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Kyle Becker
Commissioner Doug Bankson
City Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: John Perry - The Apopka Chief
Teresa Sargeant – The Apopka Chief
Reggie Connell, The Apopka Voice

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

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on this date in 1775, Paul Revere and William Dawes set off on their historic ride to warn patriot leaders in Concord, New Hampshire that British troops had been dispatched to seize their arms. They rode through the countryside to Boston and rallied the minutemen to take up arms and fight against the British with the cry “The British are coming.” Part of the long rehearsed plan was to place lanterns in the steeple of Boston’s Old North Church to alert the minutemen of British troop movement, “One if by land, two if by sea.” On that evening, Paul Revere placed two lanterns in the steeple and the militia met the British troops at Concord at about 5:00 a.m. on April 19. In that confrontation, the “shot heard around the world” was fired and the brief Battle of Lexington began the American Revolution. He asked everyone to reflect upon the vision, vigilance and gallantry of our American Patriots as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council regular meeting March 21, 2018.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve the minutes of March 21, 2018. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.

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

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Presentations:

1. Presentation of Congressional Record to Vice Mayor Billie Dean on behalf of Congresswoman Val Deming’s.

Sonja White, District Director, and Erin Waldron, Community & Economic Development Director, were here to represent Congresswoman Val Demings who was unable to be here tonight. Ms. White read a Congressional Record honoring Vice Mayor Billie Dean. She presented it to Vice Mayor Billie Dean who is retiring after serving the City of Apopka for over 20 years.

2. Comprehensive Annual Financial Report (CAFR) from Moore Stephens Lovelace CPA's and Advisors.

Bill Blend, Moore Stephens Lovelace, said he and Eduardo Castaneda were here to present the CAFR for September 30, 2017. He thanked staff, stating it was particularly challenging this year with the changeover in staff. He advised they are required by audit standards to communicate to the City Council their responsibility to do the audit, perform it accordance with audit standards, government audit standards, as well as the rules of the auditor general, talk about the scope of the audit, and significant findings. He said they did not encounter any significant difficulties in the audit. Management provided the appropriate management representation letter. The independent auditors report is on page one of the CAFR and this is an unmodified report and stated the financial information presented in this document has been audited and fairly presented, which is the highest level of assurance the City can receive. He advised a state single audit was required this year and this was performed with no violations being found with grant documents. He advised the City's investment policy is in compliance with the state statute. The independent auditor's management letter is required by the auditor's general office and in this letter they do have a prior year finding related to employee turnover and this finding was not fully resolved this year. One additional finding is related to utility billing regarding reconciliation issues which they anticipate this finding being resolved. Mr. Blend reviewed the General Fund and pointed out there were \$9.9 million in unassigned fund balance that approximates 26.6% of the expenditures for the year. The CAFR is on file in the Clerk's office and Finance Department.

MOTION by Commissioner Dean, and seconded by Commissioner Bankson to accept the 2017 CAFR. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC COMMENT – No one spoke.

CONSENT (Action Item)

1. Ratify the certificate of the official runoff election results.
2. Authorize the disposal of surplus equipment/property.

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

BUSINESS

1. Award a bid for fuel to Petroleum Traders Corporation.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to award the bid for fuel to Petroleum Traders Corporation. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2639 – Second Reading - Change of Zoning – Oak Pointe
Project: Jason C. Revelle & Thompson Hills Estates, LLC
Located east of Ocoee-Apopka Road, north of McCormick Road. The City Clerk read the title as follows:

ORDINANCE NO. 2639

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” PLANNED UNIT DEVELOPMENT (PUD)FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF MCCORMICK ROAD AND EAST OF STATE ROAD 429, SPECIFICALLY AT 1751 IRMALEE LANE, COMPRISING 0.96 ACRES MORE OR LESS, AND OWNED BY JASON C. REVELLE; AND AMENDING ORDINANCE NUMBER 2584 TO INCORPORATE SAME CERTAIN REAL PROPERTY INTO THE LEGAL DESCRIPTION THEREIN AND INCREASE THE MAXIMUM NUMBER OF TOWNHOMES THEREIN TO 120; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Moon advised there have been no changes since the first reading.

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

MOTION by Commissioner, and seconded by Commissioner, to adopt Ordinance No. 2639. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Development Agreement – Oak Pointe – Project: Thompson Hills Estates, LLC - Located east of Ocoee-Apopka Road, north of McCormick Road

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

Mr. Moon reviewed the Development Agreement for Oak Pointe implementing the onsite and offsite improvements and amenities within the Oak Pointe PUD that Council just approved through the previous ordinance. He reviewed the land area on a map stating this agreement covers a land area larger than the Oak Pointe PUD. All of the property is owned by Thompson Hill Estates. He reviewed the improvements covered by the Development Agreement including the future road extension. A copy of the agreement is on file in the Clerk’s office.

Commissioner Becker inquired if there was assignment of who will construct and pay for the spine road. Mr. Moon said it has the option of either the City or the Developer to construct this

road. He advised the City was not obligated to construct the road, but has the opportunity to initiate the construction for emergency purposes.

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 the Development Agreement for Oak Pointe. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Ordinance No. 2640 – Second Reading – Annexation. Project: Janine R. & Richard D. Edmondson - Located at 3904 Plymouth Sorrento Road. The City Clerk read the title as follows:

ORDINANCE NO. 2640

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY RICHARD DONALD EDMONDSON AND JANINE ROCHELLE EDMONDSON; LOCATED AT 3904 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt advised there have been no changes since the first reading.

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. 2640. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. Ordinance No. 2641 – Second Reading – Annexation. Project: Lynn R. Fontaine - Located at 4353 McDonald Gley Road. The City Clerk read the title as follows:

ORDINANCE NO. 2641

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY LYNN R. FONTAINE; LOCATED AT 4353 MCDONALD GLEY; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt advised there have been no changes since the first reading.

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 adopt Ordinance No. 2641. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. Ordinance No. 2642 – Second Reading – Annexation
Project: SunTrust Bank - Located at 920 East Semoran Boulevard. The City Clerk read the title as follows:

ORDINANCE NO. 2642

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY SUNTRUST BANK; LOCATED AT 920 EAST SEMORAN BOULEVARD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Hitt advised there have been no changes since the first reading.

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 adopt Ordinance No. 2642. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. Ordinance No. 2643 – Second Reading - Annexation – Right-of-Way
Project: A – Orange County - King Street Right-of-Way
Project: B – Orange County – Peterson Road (east of SR 429)
Project: C – Orange County – Peterson Road (west of SR 429)
The City Clerk read the title as follows:

ORDINANCE NO. 2643

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHTS-OF-WAY KNOWN AS KING STREET, PETERSON ROAD (EAST), AND PETERSON ROAD (WEST), SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY SOUTH OF WEST ORANGE AVENUE AND EAST AND WEST OF SR 429, AND COMPRISED OF APPROXIMATELY 5.306 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS;

**PROVIDING FOR DIRECTIONS TO THE CITY CLERK,
SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mr. Hitt advised there have been no changes since the first reading.

Mayor Kilsheimer opened the meeting to a public hearing.

Dereck Ryan said he lives there and feels he needs to do his due diligence and asked what this was leading to.

Mr. Hitt said there were various enclaves anywhere from real property to road right-of-ways. He said what they are endeavoring to do here is that there is a development to the south in the planning process that will end up utilizing King Street and part of Peterson. Another development on the west side going through the planning stages and in order to do anything on the property, we need to make sure we have control of this property being annexed in order to get the road paved or any improvements.

No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to adopt Ordinance No. 2643. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS

Commissioner Becker said he has served for two years now and had the opportunity to serve with three people sitting next to him that has been quite a pleasure. He said it is heard to sit up there and face the scrutiny, but they all knew what they were getting into and all three of them have done this in a very meaningful manner to the City of Apopka. Commissioner Dean has served the community for 24 years and the community is indebted to him. Mayor Kilsheimer has led this city through a tremendous amount of change and his thumb print is on a number of things that will be a good foundation for his successor to build upon. Commissioner Velazquez has gone to every event from the city perspective and has been the face of our community. He said she supports and represents the Council very well at every event she attends. He wished them good luck with what comes next.

Commissioner Bankson said it is much different sitting on the dais than sitting out in the audience and it does take something to commit to serve the city. He dislikes the term politician, but loves the term public servant and feels that is what all of their hearts are. He said Commissioner Dean has been here 24 years to fight for what he believes to be important for the city. He said Commissioner Velazquez has a photographic memory when she is out in the community, knowing the people in the community and she served from the heart. He said it has been a joy to serve with the Mayor and Commissioners Dean and Velazquez.

Commissioner Dean thanked everyone for their support during his 24 years of service. He said he was appreciative of all who came together in support of him and his family during the transitioning of his daughter. He said the kindness and comfort meant a lot to him and his family. He thanked the Mayor and Council for their service, saying they didn't always agree eye to eye. He thanked Dr. Shackelford, Theresa Mott, Eric Hooper, Bill Arrowsmith, Michael Cooper,

Tenita and Bobby Reid, and Rod Love for their support. He said he had much respect for the Fire and Police Departments who have helped him in many ways. He said to the new Mayor and Commissioners, to do their best in representing the City of Apopka and its citizens. He thanked his wife Isadora, for her support.

Commissioner Velazquez thanked everyone who has made this journey a wonderful experience for her. She said it has been a privilege and honor to have served our community. She thanked her husband Ed, who has supported her every step of the way. She said it was important to her to connect to the community and spoke of Christian Lamphere's Eagle Scout project that she and Ed were able to be involved in and help with. She said it has been a pleasure serving with the Mayor and all of the Commissioners over these last four years.

MAYOR'S REPORT

Mayor Kilsheimer recognized Mayor-Elect Nelson and Commissioners Elect Smith and Nolan. He thanked his wife, Cheryl who was his number one supporter. He said it has been a privilege of his life to serve as Mayor of Apopka and he was given a rare opportunity to see and do things in Apopka that few people ever get to see. He stated he has had a front row seat to the slices of life in Apopka that make our community unique. He said one of the rules the Boy Scouts learn is to leave their campsite better than they found it and he feels we have done that in Apopka over the past four years. He pointed out the Apopka City Center deal is in place and construction is slated to begin later this year, the New Errol project now has zoning approval. He thanked Jim Hitt and City Attorney Shepard for protecting the city's interest in moving this project forward. He said our Fire Department has maintained the ISO-1 rating and is poised to keep that rating with recent expansions and he thanked Chief Carnesale. The Police Department is now accredited and he thanked Chief McKinley. He spoke of the upgrade to our City's wastewater plant underway and on track to open phase one in September, thanking Jay Davoll. He thanked Dr. Jackson and spoke of the successful summer youth employment program. He said as he closes out the last four years of his life, he would like to thank all 440 men and women who work hard every day at the City of Apopka. He thanked his assistant Merry Lovern and City Administrator Glenn Irby who has accomplished many things stepping into a tough role. He said next week he will return to private life and he looks forward to the next chapter in life that comes to him and his wife Cheryl. He wished Mayor Nelson and the next City Council luck saying he was grateful for the opportunities and challenges that came with this job stating he was better for it.

ADJOURNMENT: The meeting adjourned at 8:25 p.m.

ATTEST:

_____/s/_____
Linda F. Goff, City Clerk

_____/s/_____
Bryan Nelson, Mayor