

CITY OF APOPKA

Minutes of the regular City Council meeting held on February 15, 2017, at 6:00 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: Steve Hudak – Orlando Sentinel
Teresa Sargeant - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Pastor Alexander Smith of New Hope Missionary Baptist Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said noted African-American George Washington Carver was a botanist, and inventor, born around 1864, educated at Iowa State University, and later a faculty member of the prestigious Tuskegee Institute. His reputation is based on his research and promotion of crop rotation, the development of alternative cash crops, including peanuts, soybeans, sweet potatoes, and pecans. He urged farmers to use the alternative crops as a source of foods, creating hundreds of recipes in bulletins that he distributed to farmers. He also developed hundreds of products from the alternative crops, including plastics, paint, dyes, and even a type of gasoline. His advice was sought by world leaders such as President Theodore Roosevelt, and Mahatma Gandhi, and business tycoons such as Henry Ford, and Thomas Edison. Harvard Scholarship and Research contributed to improve quality of life for many farming families and made Carver an icon for African-Americans and Anglo-Americans alike. He asked everyone to reflect upon the pioneering spirit and legacy of George Washington Carver as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

1. City Council workshop January 18, 2017.
2. City Council regular meeting January 18, 2017
3. City Council/Planning Commission workshop January 25, 2017.
4. City Council meeting February 1, 2017.
5. City Council special meeting February 6, 2017.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve the five sets of minutes as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: Glenn Irby, City Administrator, advised the applicant under Business, 3. Emerson North Townhomes Plat, has requested this be postponed to March 1, 2017.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Proclamations:

1. Future Farmers of America Proclamation

Mayor Kilsheimer read a proclamation acknowledging Future Farmers of America (FFA) and proclaiming the week of February 18 - 25, 2017 as Future Farmers of America Week in the City of Apopka. He presented a proclamation to each of the Future Farmers of America Presidents from Apopka High School, Wekiva High School, Apopka Memorial Middle School, Wolf Lake Middle School, and Piedmont Lakes Middle School.

Public Comment:

Doug Welker said he understands there is a movement to try and end the tennis lessons given by Peter Fazekas at the Field of Dreams tennis courts. He stated tennis was big in this area now and the second National Tennis Center was just built in Orlando. He said he understands Mr. Fazekas pays a fee to teach at those courts and he failed to see any reason why the City would want to stop this.

Presentations:

1. Task Force on Violence

Rod Love thanked the Mayor and Commissioners for the opportunity to make this presentation. He thanked the community, Apopka Police Chief McKinley, Orange County Sherriff Jerry Demings, Orange County Commissioner Bryan Nelson for their involvement in the Task Force. He had Dr. Randy B. Nelson, Professor of Bethune-Cookman University, Attorney Greg Jackson, and Matida Manjang, a student from Apopka High School, join him during the presentation.

Matida Manjang spoke first stating a community often consists of people of different ethnicity, race, religion, caste, gender, health, and sexual orientation. She stated although communities may differ depending upon culture and modernization, there are some similarities in the challenges they encounter. She went on to say the community focus groups were facilitated by Bethune-Cookman University faculty and students. From the input gathered from the community focus groups the following prescriptive recommendations were offered: 1) improve community safety; 2) improve relationships between law enforcement and community residents; 3) provide an environment and venue conducive to the development of employability skills necessary for gainful employment; 4) create jobs; and 5) improve educational and vocational opportunities. A copy of the Task Force on Violence report is on file in the Clerk's office.

Dr. Randy B. Nelson addressed two elements: Community and Law Enforcement Relationships and Crime / Youth Delinquency Prevention. He said there could not be enough police put on the street to address the issues in the community relative to crime. He stated crime was a symptom and not a cause. He said there is a correlation with poor educational achievement, lack of employment opportunities, and lack of housing opportunities. He spoke of the relationship between the community and law enforcement and how they engage. He said community policing has numerous benefits. He said with regards to youth and crime prevention, it is better to build a strong child than to repair a broken man.

Attorney Greg Jackson said he does quite a bit of work for community based services in the

Apopka Community. He said the Task Force on Violence for Apopka was very unique in two different aspects. First, he said this Task Force, unlike others, included the youth. He stated young people spoke of issues that they face and things that are important to them. Second, when looking at the Task Force report, they did not restrict it to just looking at it from a police standpoint or a community service standpoint. They looked at the root causes of violence in the community which are poverty and lack of economic opportunities. He pointed out that portions of south Apopka are within the CRA. He stated the governing body of the CRA can determine how the funds are spent within the CRA area. He declared the true intent of why CRA's were put into existence was to address slum and blighted areas. He suggested the Apopka CRA can allow for business growth and affordable housing in this area to address causes of violence in the community.

Mr. Love spoke of three bills filed in Tallahassee for appropriation requests. He said they were asking the City Council to be supportive of this effort.

Mayor Kilsheimer said the City Administrator is preparing to carry out the idea of holding three separate workshops on the area of south Apopka. One workshop will focus on economic development; another workshop will be held on jurisdictional issues and discussion on annexation; and the third workshop on youth development.

CONSENT (Action Item)

1. Authorize the disposal of surplus equipment/property.
2. Approve the sale of alcohol at the Charlie Daniels Concert.
3. Approve a legislative appropriation request for State Fiscal Year 2018.
4. Authorize the purchase of vehicles for the Police Department.
5. Approve the purchase of a directional drilling machine from Vermeer Southeast Sales & Service.
6. Approve the annual fuel contract renewal with Petroleum Traders Corporation.

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

BUSINESS

1. **Final Development Plan – Cooper Palms Commerce Center (Lot 5) – south of Cooper Palms Parkway, east of South Bradshaw Road.**

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

David Moon, Planning Manager, provided a brief lead-in for the Final Development Plan of Cooper Palms Commerce Center, Lot 5. He reviewed the location of the site and said the proposed building was approximately 10,800 square feet with 25 parking spaces. The Planning Commission met February 14, 2017 and found this site plan to be consistent with the development code and recommended approval.

Mike Cooper thanked staff for their work in helping them through this process.

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 the Final Development Plan for the Cooper Palms Commerce Center, Lot 5. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Final Development Plan – Cooper Palms Commerce Center (Lots 10 and 11) – south of W. 2nd Street, west of S. Hawthorne Avenue

Mr. Moon advised this Final Development Plan was also in the Cooper Palms Commerce Center, Lots 10 and 11. It proposes two buildings, each approximately 6,800 square feet. He reviewed the location of the site. Planning Commission found it consistent with the Land Development Code at their meeting on February 14, 2017, and recommends approval.

Mr. Cooper advised the project scheduled for Lot 10, will employ between 15 to 30 people. This is for a manufacturing facility and they are planning on using as many people from the City of Apopka as possible.

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 the Final Development Plan for the Cooper Palms Commerce Center, Lots 10 and 11. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Plat – Emerson North Townhomes – 1701 Ocoee Apopka Road

At the applicant's request, this item was postponed.

4. Plat – Orchid Estates – south of Kelly Park Road, west of Jason Dwelley Parkway

Mr. Moon advised this plat accommodates 112 single family residential lots. He reviewed the location of the site on a map and advised this will implement the final development plan and the master plan within a PUD zoning project that was previously approved by City Council. The Planning Commission met on February 14, 2017 and found this to be consistent with the Land Development Code, recommending approval.

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 the Plat for Orchid Estates. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2547 – Second Reading – Fisher Plantation Subdivision Annexation.
The City Clerk read the title as follows:

ORDINANCE NO. 2547

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ANNEXING CERTAIN UNINCORPORATED PROPERTY GENERALLY KNOWN AS FISHER PLANTATION, AND MORE PARTICULARLY DESCRIBED HEREIN, INTO THE CORPORATE LIMITS OF THE CITY OF APOPKA; PROVIDING FOR A REFERENDUM FOR APPROVAL BY THE REGISTERED ELECTORS OF THE AREA PROPOSED TO BE ANNEXED; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

James Hitt, Community Development Director, explained the initial first reading occurred prior to the required 15 day notice to Orange County. In order to satisfy Florida Statutes and provide adequate notice, this ordinance received a first reading on February 1, 2017, making this the second reading and public hearing.

In response to Commissioner Velazquez, he advised the ballots are to be mailed out on March 22, 2017, and they are to be received by the Supervisor of Elections office no later than 7:00 p.m. on April 11, 2017.

In response to Mayor Kilsheimer, Mr. Hitt explained the referendum requires a majority of those who vote to pass.

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. 2547 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Ordinance No. 2548 – Second Reading – Vacate Right of Way – West 2nd Street – The City Clerk read the title as follows:**

ORDINANCE NO. 2548

AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A PORTION OF RIGHT-OF-WAY OF WEST 2ND STREET, WEST OF SOUTH HAWTHORNE AVENUE, AND SOUTHWEST OF THE CSX RAILROAD RIGHT-OF-WAY; NORTH OF UNIMPROVED WEST 3RD STREET, SOUTH OF WEST 1ST STREET AND EAST OF COOPER PALMS PARKWAY; IN SECTION 09, TOWNSHIP 21, RANGE 28, OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer advised this ordinance and the next ordinance were quasi-judicial. Witnesses were sworn in by the clerk.

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. 2548 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. **Ordinance No. 2549 – Second Reading – Vacate Right of Way – West 5th Street – The City Clerk read the title as follows:**

ORDINANCE NO. 2549

AN ORDINANCE OF THE CITY OF APOPKA, TO VACATE A PORTION OF RIGHT-OF-WAY OF WEST 5TH STREET, SOUTH 30 FEET OF THE 80 FOOT RIGHT-OF-WAY OF THE UNIMPROVED WEST 5TH STREET LOCATED BETWEEN SOUTH HAWTHORNE AVENUE ON THE WEST AND SOUTH WASHINGTON AVENUE ON THE EAST AND NORTH OF ALONZO WILLIAMS PARK; IN SECTION 09, TOWNSHIP 21, RANGE 28 OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND 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 Becker, to adopt Ordinance No. 2549 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. **Ordinance No. 2552 – Second Reading – Small Scale Future Land Use Amendment – The City Clerk read the title as follows:**

ORDINANCE NO. 2552

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” INDUSTRIAL TO “CITY” INDUSTRIAL (MAX 0.6), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF E 13TH STREET AND WEST OF SHEELER AVENUE, COMPRISING 3 ACRES MORE OR LESS AND OWNED BY ADAMS BROTHERS CONSTRUCTION LLC; PROVIDING FOR SEVERABILITY; 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 adopt Ordinance No. 2552 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. **Ordinance No. 2553 – Second Reading – Change of Zoning –** The City Clerk read the title as follows:

ORDINANCE NO. 2553

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” C-3 (ZIP) TO “CITY” I-1 (RESTRICTED INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF 13TH STREET, WEST OF SHEELER AVENUE, COMPRISING 3 ACRES MORE OR LESS, AND OWNED BY ADAMS BROTHERS CONSTRUCTION, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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. 2553 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. **Ordinance No. 2527 – First Reading – Code of Ordinances, Part II, Chapter 78 - Parking -** The City Clerk read the title as follows:

ORDINANCE NO. 2527

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 78 “TRAFFIC AND MOTOR VEHICLES,” ARTICLE I, “IN GENERAL,” SECTION 78-1 “DEFINITIONS” AND AMENDING CHAPTER 78 “TRAFFIC AND MOTOR VEHICLES,” ARTICLE II, “STOPPING, STANDING AND PARKING” IN ITS ENTIRETY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND SETTING AN EFFECTIVE DATE.

Chief McKinley said he was here along with Captain Fernandez to discuss the City’s proposed new parking ordinance. He provided a brief history of the parking ordinance and some of the parking issues, ending with an overview of the new ordinance that has been crafted by the citizens of Apopka. He provided this history and review through a PowerPoint presentation showing several photographs of examples of parking violations. A copy of the presentation is on file in the Clerk’s office.

Mayor Kilsheimer opened the meeting to a public hearing.

Tenita Reid inquired about garage sales and how parking for people coming to the garage sale would work. She further stated five days seems extreme for people to have to come up with the money to pay a parking ticket and requested they be provided more time.

Chief McKinley said officers use reason when writing tickets in such cases and if the parking is prohibiting emergency vehicles from driving down the road. He further advised the ordinance did not address the payment, it remained unchanged.

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

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve Ordinance No. 2527 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.

CITY COUNCIL REPORTS

Commissioner Becker said to expand on what Mr. Welker addressed during public comment, a few months ago Council received some emails from Mr. Fazekas, who runs Tennis Galaxy. Mr. Fazekas is trying to negotiate the contract to something that is a little fairer in terms of the cost he incurs in trying to provide this service to the City. Commissioner Becker advised Mr. Fazekas had a contract as of December 15, 2016, that gave him use of one of the tennis courts at the NW Recreation Complex at the amount of \$6,300 for the year. He stated the annual maintenance to the four courts was \$5,200. He stated Mr. Fazekas tried to renegotiate the contract at the end of last year knowing his contract was going to be expiring with an offer of an annual fee of \$1,500, as well as offering to pay \$2,000 annually for capital improvements specific to the tennis courts. Commissioner Becker stated, to date, Mr. Fazekas has not been offered a renegotiation, in fact, he has been offered the same contract he had the previous year. Commissioner Becker stated he did not feel this was fair or in good faith to have a reputable business run by an Apopka resident to have to pay that cost. He declared what Mr. Fazekas has brought to the table in a renegotiated deal is more than fair. Commissioner Becker stated he asked Mr. Fazekas to have his clients write letters of recommendation in support of his efforts, stating he received no fewer than 20 letters that spoke in support of his services.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson to accept Peter Fazekas' contract negotiation rate of \$1,500 a year, as well as the offer of him to designate \$2,000 additional dollars for capital improvements at the tennis facility for the next year.

Commissioner Bankson said tennis is a tremendous sport and is growing even more here in Central Florida and will be a benefit to this City as we move forward.

City Attorney Shepard advised it was not within the Commission's purview to make a motion on the contracts that are delegated to the Administrator to oversee and enter into. He stated for this reason the motion was out of order.

Mayor Kilsheimer said by the Charter of the City, the administration of contracts with outside parties is delegated to the administration of the City. He stated they cannot negotiate a contract from the Council. He stated the principle at stake is the equal and fair administration of access to our recreation facilities and this is where Council can weigh in.

City Attorney Shepard said the limitations would be putting in place fee structures for user fees and how they should be charged. He stated that was policy making, but negotiating a contract was not.

MOTION made by Commissioner Becker that we do not charge any fees at the tennis courts. Motion failed due to lack of a second.

Mayor Kilsheimer said Mr. Fazekas needs to talk with the staff of the City of Apopka, and come to a reasonable agreement. He pointed out that Mr. Fazekas' business is not nonprofit.

Mr. Irby suggested staff continue to try and negotiate with Mr. Fazekas.

Commissioner Becker wanted to make it clear that he did not negotiate with Mr. Fazekas, but merely said he would look into the matter, to which Mayor Kilsheimer said he was entitled to advocate, but that was the limit.

Former Orange County Sherriff Kevin Beary said he has known Peter Fazekas for more than eleven years. He advised that Mr. Fazekas has reached out and assisted the Apopka High School tennis program. He stated anytime there is a district match in the community, it always goes to Dr. Phillips or Lake Brantley. He said he was a big supporter of all sports and youth involvement. He suggested the City needs to work out the contract with Mr. Fazekas, but they also need to discuss the possibility of expanding those programs so the City can benefit by hosting district and state title matches.

MAYOR'S REPORT

Mayor Kilsheimer reported he had an update on the Wastewater Treatment Plant. He read a three page fact sheet into the record providing the update, stating the City of Apopka is growing and transforming. Some of the facts listed reference the Apopka's wastewater system being outdated and under the 2004 Wekiva Parkway and Protection Act, the City has a new wastewater treatment plant project underway at a cost of \$64 million. Some of the issues at the wastewater treatment plant were observed and confirmed by the Florida Department of Environmental Protection (DEP) as violations. As part of the DEP's review, the City was assured no public health hazards existed with the system. The City continues to work closely with DEP on issues associated with compliance. The City has also retained Woodard & Curran, an outside engineering firm, to review and evaluate the wastewater system to identify the specific issues and causes. A copy the Fact Sheet, dated 2.14.2017, will be filed with these minutes.

ADJOURNMENT – There being no further business the meeting adjourned at 8:41 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk